

FILE#: G 12648

Application No. G12648

Permit No. G12739

Certificate No. \_\_\_\_\_

Stream Index, Page No. 5

05-1980-1170-0130

V2A Lytle Creek

**FEES PAID**

Date	Amount	Receipt No.
9/1/91	1300.00	78290
4-22-11	7500	102723
Ext 1-23-09	350.00	95436
FEES REFUNDED		
Date	Amount	Check No.

Assigned  
OCHOCO WEST WATER DISTRICT

9513 JORDAN RD 5488 NW Prine Rd  
PRINEVILLE, OR 97754

Date filed \_\_\_\_\_

Priority \_\_\_\_\_

Action suspended until C 2099

Return to applicant \_\_\_\_\_

Date of approval \_\_\_\_\_

**CONSTRUCTION**

Date for beginning AUG 28 1997

Date for completion OCT 01 1998

Extended to \_\_\_\_\_

Date for application of water OCT 01 1999

Extended to \_\_\_\_\_

**PROSECUTION OF WORK**

Form "A" filed \_\_\_\_\_

Form "B" filed \_\_\_\_\_

Form "C" filed \_\_\_\_\_

**FINAL PROOF**

Blank mailed \_\_\_\_\_

Proof received \_\_\_\_\_

Date certificate issued \_\_\_\_\_

**ASSIGNMENTS**

Date	To Whom	Address	Volume	Page
4/22/2011	OCHOCO WEST WATER & SANITARY AUTHORITY	5488 NW PRINE RD		
	PRINEVILLE OR 97754			

**REMARKS**

G12739



Possible App  
withdrawn, waiting on  
call from Jerry Page  
9/1/09

541-447-6888



# Oregon

Kate Brown, Governor

G12648

## Water Resources Department

North Mall Office Building

725 Summer St NE, Ste A

Salem, OR 97301

Phone: 503-986-0900

Fax: 503-986-0904

[www.Oregon.gov/OWRD](http://www.Oregon.gov/OWRD)

November 5, 2019

Ochoco West Water and Sanitary Authority  
Attn: Elsa Hyder, Board President  
5488 NW Prine Rd.  
Prineville, OR 97754

Subject: Water Management and Conservation Plan

Dear Ms. Hyder:

Enclosed; please find the final order approving your Water Management and Conservation Plan and authorizing the diversion of up to **0.25 cfs** (*out of the total permitted rate of 0.579 cfs*) of water under Permit G-12739.

The attached final order specifies that the Ochoco West Water and Sanitary Authority's (OWWSA) plan shall remain in effect until **November 5, 2029**. Additionally, OWWSA is required to submit a progress report to the Department by **November 5, 2024**, detailing progress made toward the implementation of conservation benchmarks scheduled in the plan. Finally, the OWWSA must submit an updated Water Management and Conservation Plan to the Department by **May 5, 2029**.

***NOTE:** The deadline established in the attached final order for submittal of an updated water management and conservation plan (consistent with OAR Chapter 690, Division 086) shall not relieve the Ochoco West Water and Sanitary Authority from any existing or future requirement(s) for submittal of a water management and conservation plan at an earlier date as established through other final orders of the Department.*

We appreciate your cooperation in this effort. Please do not hesitate to contact me at 503-986-0919 or [Kerri.H.Cope@oregon.gov](mailto:Kerri.H.Cope@oregon.gov) if you have any questions.

Sincerely,

Kerri Cope  
Water Management and Conservation Analyst  
Water Right Services Division

Enclosure

cc: WMCP File  
Application #G-12648 (Permit #G-12739)  
District 11 Watermaster, Jeremy Giffin (*via email*)  
OAWU, Attn: Tim Tice, 935 N. Main Street, Independence, OR 97351





BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON

In the Matter of the Proposed Water	)	FINAL ORDER APPROVING A
Management and Conservation Plan for	)	WATER MANAGEMENT AND
Ochoco West Water and Sanitary	)	CONSERVATION PLAN
Authority, Crook County		

**Authority**

OAR Chapter 690, Division 086, establishes the process and criteria for approving water management and conservation plans required under the conditions of permits, permit extensions and other orders of the Department. An approved water management and conservation plan may authorize the diversion and use of water under a permit extended pursuant to OAR Chapter 690, Division 315.

**Findings of Fact**

1. The Ochoco West Water and Sanitary Authority (OWWSA) submitted a Water Management and Conservation Plan (plan) to the Water Resources Department (Department) on December 18, 2018. The plan was required by a condition set forth in the final order issued on July 1, 2011 approving an extension of time for Permit G-12739.
2. The Department published notice of receipt of the plan on January 1, 2019, as required under OAR Chapter 690, Division 086. No comments were received.
3. The Department provided written comments on the plan to OWWSA on February 8, 2019 and August 9, 2019. In response, OWWSA submitted revised plans on April 19, 2019 and August 22, 2019.
4. The Department reviewed the final revised plan and finds that it contains all of the elements required under OAR 690-086-0125 and OAR 690-086-0130.
5. The projections of future water needs in the plan demonstrate a need for **0.25 cfs** (out of the total permitted rate of 0.579 cfs) of water available under **Permit G-12739** to help meet overall projected 20-year demands. These projections are reasonable and consistent with OWWSA's land use plan.
6. The system is fully metered and the rate structure includes a base rate and volumetric charge. Unaccounted-for water is estimated at 6.8 percent.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.



7. The plan includes 5-year benchmarks for implementation and/or continuation of monthly and annual water audits; expedited repair of leaks when discovered; and continuation of billing customers based, in part on the quantity of water metered at the service connection.
8. The plan includes 5-year benchmarks for evaluation, development, and implementation of the following programs:
  - a. Meter Testing and Maintenance
    - i. Within five years, OWWSA will install a source master meter prior to the cisterns, to calculate both total spring flows, water pumped to the system, and overflow back to Lytle Creek.
    - ii. Annually, OWWSA will test ten (10) percent of their meters and repair or replace all meters out of compliance with manufacturer's standards.
  - b. Leak Detection and Repair Program
    - i. Within five years, OWWSA will implement a leak detection and repair program.
  - c. Public Education Program
    - i. Within five years, OWWSA will include a bill stuffer annually that encourages conservation.
9. The plan identifies five (5) unnamed springs as the source of OWWSA's water rights and accurately and completely describes that they are not located in a critical ground water area.
10. The water curtailment element included in the plan satisfactorily promotes water curtailment practices and includes a list of four stages of alert with concurrent curtailment actions.
11. The diversion of water under Permit G-12739 will be initiated during the next 20 years and is consistent with OAR 690-086-0130(7), as follows:
  - a. As evidenced by the 5-year conservation benchmarks established by OWWSA (*as described in Findings of Facts #7 and #8 above*), the final revised plan includes a schedule for the continuation and/or implementation of water conservation measures that would provide water at a cost that is equal to or lower than the cost of other identified sources;
  - b. The increased use of water under Permit G-12739 is the most feasible and appropriate water supply alternative available to the OWWSA at this time, considering that water savings from identified conservation measures are not anticipated to fully meet OWWSA's current and future water needs; and
  - c. At this time, there are no known requirements for OWWSA to take any mitigation actions under state or federal law.



## Conclusion of Law

The Water Management and Conservation Plan submitted by OWWSA is consistent with the criteria in OAR Chapter 690, Division 086.

Now, therefore, it is ORDERED:

### Duration of Plan Approval:

1. The OWWSA Water Management and Conservation Plan is approved and shall remain in effect until **November 5, 2029**, unless this approval is rescinded pursuant to OAR 690-086-0920.

### Development Limitation:

2. The limitation of the diversion of water under **Permit G-12739** established by the extension of time approved on July 1, 2011 is modified and, subject to other limitations or conditions of the permit, the OWWSA is authorized to divert up to **0.25 cfs** (*out of the total permitted 0.579 cfs*) under **Permit G-12739**.
3. Failure to meet the conservation benchmarks listed under Finding of Fact #8 may result in the reduction of the quantity of water authorized for diversion under **Permit G-12739** during review of OWWSA's next plan update.

### Plan Update Schedule:

4. The OWWSA shall submit an updated plan meeting the requirements of OAR Chapter 690, Division 086 within ten (10) years and no later than **May 5, 2029**.

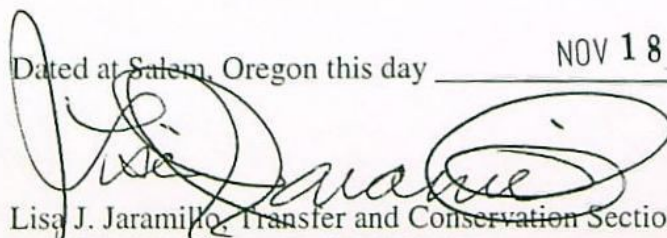
### Progress Report Schedule:

5. The OWWSA shall submit a progress report containing the information required under OAR 690-086-0120(4) by **November 5, 2024**.

### Other Requirements for Plan Submittal:

6. The deadline established herein for the submittal of an updated Water Management and Conservation Plan (consistent with OAR Chapter 690, Division 086) shall not relieve the OWWSA from any existing or future requirement(s) for submittal of a Water Management and Conservation Plan at an earlier date as established through other final orders of the Department.

Dated at Salem, Oregon this day NOV 18 2019

  
Lisa J. Jaramillo, Transfer and Conservation Section Manager for  
THOMAS M. BYLER, DIRECTOR  
Oregon Water Resources

Mailing date: NOV 18 2019



**Notice Regarding Service Members:** Active duty service members have a right to stay these proceedings under the federal service members Civil Relief Act. For more information, contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571 or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free telephone number.



Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number G-12648

**Final Order**  
**Extension of Time for Permit Number G-12739**

---

**Permit Information**

**Application File G-12648 / Permit G-12739**

Basin 5 – Deschutes Basin / Watermaster District 11

Date of Priority: September 4, 1991

**Authorized Use of Water**

Source of Water: A well within the Lytle Creek Basin  
Purpose or Use: Quasi-Municipal  
Maximum Rate: 0.579 Cubic Feet per Second (cfs)

---

**Appeal Rights**

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. A request for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either file for judicial review, or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

**Application History**

Permit G-12739 was issued by the Department on August 28, 1996. The permit called for completion of construction by October 1, 1998, and complete application of water to beneficial use by October 1, 1999. On January 23, 2009, Ochoco West Water & Sanitary Authority submitted an application to the Department for an extension of time for Permit G-12739. In accordance with OAR 690-315-0050(2), on May 3, 2011, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2049 and to extend the time to apply water to full beneficial use to October 1, 2049. The protest period closed June 17, 2011, in accordance with OAR 690-315-0060(1). No protest was filed.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:



## CONDITIONS

### 1. Development Limitations

The appropriation of any water under Permit G-12739 shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan (WMCP) under OAR Chapter 690, Division 86. The required WMCP shall be submitted to the Department within 3 years of an approved extension application. Use of water under Permit G-12739 must be consistent with this and subsequent WMCP's approved under OAR Chapter 690, Division 86 on file with the Department.

The deadline established in this PFO for submittal of a WMCP shall not relieve a permit holder of any existing or future requirement for submittal of a WMCP at an earlier date as established through other orders of the Department. A WMCP submitted to meet the requirements of this order may also meet the WMCP submittal requirements of other Department orders

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0080(3).

### Order

The extension of time for Application G-12648, Permit G-12739, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended to October 1, 2049. The deadline for applying water to full beneficial use is extended to October 1, 2049.

DATED: July 1, 2011

  
Dwight French, Water Rights Services Division Administrator for  
PHILLIP C. WARD, DIRECTOR

---

If you have any questions about statements contained in this document, please contact Ann Reece at (503) 986-0827.

If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900.

---

## Mailing List for Extension FO Copies

Note: Include a copy of the "Important Notice" document along with the original copy of the Final Order being sent to the permit holder.

FO Date: July 1, 2011

Application G-12648  
Permit G-12739

### Original mailed to permit holder:

Ochoco West Water & Sanitary Authority  
Attn: Elsa Hyder  
5488 NW Prine Road  
Prineville, OR 97754 ✓

### Copies sent to:

1. WRD - App. File G-12648/ Permit G-12739
2. WRD - Watermaster District 11, Jeremy Giffin ✓
3. WRD – SCR Regional Manager, Kyle Gorman  
*NOTE: Do not send FO's to South Central Region (Kyle Gorman)  
Do not send FO's to Northwest Region (Bill Ferber)*

### Fee paid as specified under ORS 536.050 to receive copy:

4. None

### Receiving electronic copy via e-mail (10 AM day of signature date)

5. WRD – Bill Fujii/Lisa Jaramillo, Technical Services *(for QM requiring Division 86 plan)*

Done by CJ on 7/8/11 (date)

CASEWORKER: ALR

<b>Copies Mailed</b>
By: <u>Connie Vance</u> (SUPPORT STAFF)
on: <u>7/11/2011</u> (DATE)



Ann Reece

**From:** Ann Reece  
**Sent:** Thursday, February 24, 2011 4:48 PM  
**To:** 'owwsa@prinettime.net'  
**Subject:** OWWSA Water Rights and Extensions of Time  
**Attachments:** S-49681-ext-ord-approve\_Ochoco West Water District.pdf; S-49681-ext-pfo\_Ochoco West Water District.pdf; Progress Report Due in 2016\_Permit S-42778.doc

Keith Jarvis  
 Ochoco West Water and Sanitary Authority

Hi Keith,

I talked with Jerry Sauter about filing the assignments. He said a person who had served on the Ochoco West Water District would be able to sign 4 of the permits over to Ochoco West Water and Sanitary Authority (using the short form). The reservoir right (R-12591) needs an assignment from Ochoco West Water and Sewer Districts. You may need to use the 'long form' for this assignment depending on if you also have a board member from that organization.

I thought it might be helpful if I recapped the status of your water rights.

**Four water rights need an assignment from Ochoco West Water District to Ochoco West Water and Sanitary Authority.**

**Appl R- 83817 / Permit R-12591 needs an assignment from Ochoco West Water and Sewer Districts to Ochoco West Water and Sanitary Authority.**

You may contact Jerry Sauter at 503-986-0817 if you need any help with the assignment process.

**Appl G- 12648 / Permit G-12739**

Has a pending extension application at OWRD; it will be processed as soon as the assignment is completed.

**Appl S- 50255 / Permit S-42780**

Has a pending extension application at OWRD; it will be processed as soon as the assignment is completed.

**Appl S-49681 / Permit S-42778**

Has an approved extension until 2041. I attached a copy of the Proposed Final Order (PFO) and a copy of the Final Order (FO). Please read the Final Order as it contains a progress report condition. Please note that as required by Oregon Administrative Rules, Progress reports for this extension of time are due in 5 year intervals beginning in 2016. I attached the form needed for the Progress Report due in 2016. You will not necessarily receive a reminder that a report is due—it is up to the water district to make sure the forms get sent in.

**Appl S- 50254 / Permit S-42779**

Needs an Extension of Time that shows some past development of a water system or use of the water.

Use the Non-Municipal / Non-Quasi-Municipal Form. Here is a link to the correct form:  
[http://apps.wrd.state.or.us/apps/misc/vault/vault.aspx?Type=WRFolder&folder\\_image\\_id=25099](http://apps.wrd.state.or.us/apps/misc/vault/vault.aspx?Type=WRFolder&folder_image_id=25099)

*Application Withdrawn - missed A-Date*

**Appl R- 83817 / Permit R-12591**

If water use under the terms and conditions of the permit were not completed by October 1, 2003, then this permit will also need an Extension of Time.

Use the Non-Municipal / Non-Quasi-Municipal Form. Here is a link to the correct form:  
[http://apps.wrd.state.or.us/apps/misc/vault/vault.aspx?Type=WRFolder&folder\\_image\\_id=25099](http://apps.wrd.state.or.us/apps/misc/vault/vault.aspx?Type=WRFolder&folder_image_id=25099)

*Gerry Paige 541-447-6888*

2/25/2011

I hope this summary helps. Let me know if you have any questions.

Best regards,  
Ann Reece

-----  
**Ann Reece**  
*Water Rights Division - Adjudications*  
**OR. Water Resources Dept.**  
725 Summer St. NE Suite A  
Salem, OR 97301

Direct Line: 503-986-0827  
Fax: 503-986-0901  
Email: [reeceal@wrд.state.or.us](mailto:reeceal@wrд.state.or.us)



file

**Oregon Water Resources Department  
Water Rights Division**

**Application for Extension of Time**

In the Matter of the Application for an Extension of Time       )  
for Permit G-12739, Water Right Application G-12648,       )  
in the name of the Ochoco West Water & Sanitary Authority   )       **PROPOSED FINAL ORDER**

---

**Permit Information**

**Application File G-12648 / Permit G-12739**

Basin 5 – Deschutes Basin / Watermaster District 11

Date of Priority: September 4, 1991

**Authorized Use of Water**

Source of Water: A well within the Lytle Creek Basin  
Purpose or Use: Quasi-Municipal  
Maximum Rate: 0.579 Cubic Feet per Second (cfs)

---

**This Extension of Time request is being processed in accordance with Oregon  
Administrative Rule Chapter 690, Division 315.**

***Please read this Proposed Final Order in its entirety as it contains  
additional conditions not included in the original permit.***

This Proposed Final Order applies only to Permit G-12739, water right Application G-12648. A copy of Permit G-12739 is enclosed as Attachment 1.

## Summary of Proposed Final Order for Extension of Time

### The Department proposes to:

- Grant an extension of time to complete construction of the water system from October 1, 1998 to October 1, 2049.
- Grant an extension of time to apply water to full beneficial use from October 1, 1999 to October 1, 2049.
- Make the extension of time subject to certain conditions as set forth below.

### ACRONYM QUICK REFERENCE

Department – Oregon Department of Water Resources

PFO – Proposed Final Order

WMCP – Water Management and Conservation Plan

#### Units of Measure

cfs – cubic feet per second

### AUTHORITY

Generally, see ORS 537.630 and OAR Chapter 690 Division 315.

ORS 537.630(1) provides in pertinent part that the Oregon Water Resources Department (Department) may, for good cause shown, shall order and allow an extension of time, for the completion of the well or other means of developing and securing the ground water or for complete application of water to beneficial use. In determining the extension, the department shall give due weight to the considerations described under ORS 539.010 (5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

ORS 539.010(5) provides in pertinent part that the Water Resources Director, for good cause shown, may extend the time within which the full amount of the water appropriated shall be applied to a beneficial use. This statute instructs the Director to consider: the cost of the appropriation and application of the water to a beneficial purpose; the good faith of the appropriator; the market for water or power to be supplied; the present demands therefore; and the income or use that may be required to provide fair and reasonable returns upon the investment.

OAR 690-315-0080 provides in pertinent part that the Department shall make findings to determine if an extension of time for quasi-municipal water use permit holders may be approved to complete construction and/or apply water to full beneficial use.

OAR 690-315-0090(3) requires the Department, under specific circumstances, to condition an extension of time for quasi-municipal water use permit holders to provide that diversion of water beyond the maximum rate diverted under the permit or previous extension(s) shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan under OAR Chapter 690, Division 86.



## FINDINGS OF FACT

### Background

1. Permit G-12739 was granted by the Department on August 28, 1996. The permit authorizes the use of up to 0.579 cfs of water from a well in the Lytle Creek Basin for quasi-municipal use. It specified construction of the water development project was to be completed by October 1, 1998, and complete application of water was to be made on or before October 1, 1999.
2. Due to an ongoing permit extension rulemaking, the Department placed all pending applications for extension of time for municipal and quasi-municipal permits on hold and did not require municipal and quasi-municipal water use permit holders to submit applications for extension of time until the new rules were adopted.
3. Municipal and quasi-municipal water use permit extension rules OAR 690-315-0070 through 690-315-0100 were adopted by the Water Resources Commission November 1, 2002, were further revised, filed with the Secretary of State, and became effective on November 22, 2005.
4. The permit holder submitted an "Application for Extension of Time" to the Department on January 23, 2009, requesting the time to complete construction of the water system be extended from October 1, 1998 to October 1, 2049, and the time to apply water to full beneficial use under the terms and conditions of Permit G-12739 be extended from October 1, 1999 to October 1, 2049. This is the first extension of time request for Permit G-12739.
5. Notification of the Application for Extension of Time for Permit G-12739 was published in the Department's Public Notice dated February 3, 2009. No public comments were received regarding the extension application.

### Review Criteria for Quasi-Municipal Water Use Permits [OAR 690-315-0080(1)]

*The time limits to complete construction and/or apply water to full beneficial use may be extended if the Department finds that the permit holder has met the requirements set forth under OAR 690-315-0080. This determination shall consider the applicable requirements of ORS 537.230<sup>1</sup>, 537.248<sup>2</sup>, 537.630<sup>3</sup> and/or 539.010(5)<sup>4</sup>*

### Complete Extension of Time Application [OAR 690-315-0080(1)(a)]

6. On January 23, 2009, the Department received an Application for Extension of Time and the fee specified in ORS 536.050 from the permit holder.

---

<sup>1</sup> ORS 537.230 applies to surface water permits only.

<sup>2</sup> ORS 537.248 applies to reservoir permits only.

<sup>3</sup> ORS 537.630 applies to ground water permits only.

<sup>4</sup> ORS 537.010(5) applies to surface water and ground water permits.



**Start of Construction [OAR 690-315-0080(1)(b)]**

7. Actual construction of the well began prior to the August 28, 1997 deadline specified in the permit.

**Duration of Extension [OAR 690-315-0080(1)(c) and (1)(d)]**

*Under OAR 690-315-0080(1)(c),(d), in order to approve an extension of time for quasi-municipal water use permits the Department must find that the time requested is reasonable and the applicant can complete the project within the time requested.*

8. The remaining work to be accomplished under Permit G-12739 consists adding filtration modules, and of completing construction of the water system and applying water to full beneficial use.
9. As of January 23, 2009, the permit holder had not appropriated any of the 0.579 cfs of water authorized under Permit G-12739 for quasi-municipal purposes.
10. In addition to the 0.579 cfs of water authorized under Permit G-12739, Ochoco West Water & Sanitary Authority holds the following water rights:
  - Permit S-42778 for 0.5 cfs of water for group domestic use from two springs within the Crooked River Basin; and
  - Permit S-42780 for 0.2 cfs of water for domestic use from three springs within the Crooked River Basin.
11. According to the Ochoco West Water & Sanitary Authority, as of January 23, 2009, they utilized a peak demand of 0.224 cfs of water authorized under Permit S-42778 and Permit S-42780.
12. Water from the well authorized under Permit G-12739 is not currently being utilized. This well is considered supplementary to the water provided from the springs. Drilling the well was a requirement of the Crook County Planning Commission in lieu of placing a moratorium on future building; the well has only been used once since it was constructed.
13. According to the Ochoco West Water & Sanitary Authority, in 2006, the population within their service boundary was 400. They anticipate reaching an estimated population of 1241 by the year 2048 which calculates to growth rate of 3 percent per year.
14. Ochoco West Water & Sanitary Authority's peak demand is projected to be approximately 0.28 cfs of water by the year 2048.
15. Full development of Permit G-12739 is needed to meet system redundancy and emergency use demands of Ochoco West Water & Sanitary Authority.
16. Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2049, to complete construction of the



water system and to accomplish the application of water to beneficial use under the terms of Permit G-12739 is both reasonable and necessary.

**Good Cause [OAR 690-315-0080(1)(e) and (3)(a-g) and (4)]**

*The Department's determination of good cause shall consider the requirements set forth under OAR 690-315-0080(3).*

**Reasonable Diligence and Good Faith of the Appropriator [OAR 690-315-0080(3)(a),(3)(c) and (4)]**

*Reasonable diligence and good faith of the appropriator must be demonstrated during the permit period or prior extension period as a part of evaluating good cause in determining whether or not to grant an extension. In determining the reasonable diligence and good faith of a quasi-municipal water use permit holder, the Department shall consider activities associated with the development of the right including, but not limited to, the items set forth under OAR 690-315-0080(4) and shall evaluate how well the applicant met the conditions of the permit or conditions of a prior extension period.*

17. Actual construction of the well and water system began prior to the August 28, 1997 deadline specified in the permit.
18. During the original development time frame under Permit G-12739 the City constructed a well house and filtration building, installed a filtration system, constructed filtration ponds and continued maintenance on the well.
19. As of January 23, 2009, the permit holder has invested 79,300, which is 42 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$110,000 investment is needed for the completion of this project.
20. Since the issuance of Permit G-12739 on August 28, 1996, no water has been appropriated for beneficial quasi-municipal purposes under the terms of this permit.
21. The Department has considered the permit holder's compliance with conditions, and has identified the following concern:
  - a. The permit holder has not submitted a Water Management and Conservation Plan (consistent with OAR Chapter 690, Division 86), due within one year of issuance of Permit G-12739.

**Cost to Appropriate and Apply Water to a Beneficial Purpose [OAR 690-315-0080(3)(b)]**

22. As of January 23, 2009, the permit holder has invested 79,300, which is 42 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$110,000 investment is needed for the completion of this project.

**The Market and Present Demands for Water [OAR 690-315-0080(3)(d)]**

23. As described in Findings 9 through 15 above, Ochoco West Water & Sanitary Authority has indicated, and the Department finds they must rely on its this ground water right for redundancy as well as meeting a requirement of the Crook County Planning Commission.



24. Ochoco West Water & Sanitary Authority projects a population increase of 3 percent per year over a 43 year period, being the years 2006 to 2049.
25. Given the current water supply situation of Ochoco West Water & Sanitary Authority, as well as current and expected demands including system redundancy and emergency use, there is a market and present demand for the water to be supplied under Permit G-12739.
26. OAR 690-315-0090(3) requires the Department to place a condition on this extension of time to provide that appropriation of any water under Permit G-12739 shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan (WMCP) under OAR Chapter 690, Division 86. A "Development Limitation" condition" is specified under Item 1 of the "Conditions" section of this PFO to meet this requirement.

**Fair Return Upon Investment [OAR 690-315-0080(3)(e)]**

27. Use and income from the permitted water development project would result in reasonable returns upon the investment made in the project to date.

**Other Governmental Requirements [OAR 690-315-0080(3)(f)]**

28. Delays caused by any other governmental requirements in the development of this project have not been identified.

**Events which Delayed Development under the Permit [OAR 690-315-0080(3)(g)]**

29. According to Ochoco West Water & Sanitary Authority, delay of development under Permit G-12739 was due, in part, because the well is a redundant back up system as required by the Crook County Planning Commission, and to the size and scope of the quasi-municipal water system, which was designed to be phased in over a period of years.

**CONCLUSIONS OF LAW**

1. The applicant is entitled to apply for an extension of time to complete construction and completely apply water to the full beneficial use pursuant to ORS 537.630(1).
2. The applicant has submitted a complete extension application form and the fee specified under ORS 536.050(1)(k), as required by OAR 690-315-0080(1)(a).
3. The applicant complied with begin actual construction timeline requirements pursuant to ORS 537.630 as required by OAR 690-315-0080(1)(b).
4. The time requested to complete construction and apply water to full beneficial use is reasonable, as required by OAR 690-315-0080(1)(c).
5. Completion of construction and full application of water to beneficial use can be completed by October 1, 2049<sup>5</sup> pursuant to OAR 690-315-0080(1)(d).

---

<sup>5</sup> Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete



6. The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and the fair return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the water right permit holder had no control, and the Department has determined that the permit holder has shown good cause for an extension of time to apply the water to full beneficial use pursuant to OAR 690-315-0080(1)(e).
7. As required by OAR 690-315-0090(3) and as described in Finding 26 above and specified under Item 1 of the "Conditions" section of this PFO, the appropriation of water beyond 0 cfs under Permit G-12739 shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan (WMCP) under OAR Chapter 690, Division 86.

### **Proposed Order**

Based upon the foregoing Findings of Fact and Conclusions of Law, the Department proposes to issue an order to:

extend the time to complete construction of the water system under Permit G-12739 from October 1, 1998 to October 1, 2049.

extend the time to apply the water to beneficial use under Permit G-12739 from October 1, 1999 to October 1, 2049.

Subject to the following conditions:

## **CONDITIONS**

### **1. Development Limitations**

Appropriation of any water under Permit G-12739 shall only be authorized upon issuance of a final order approving a Water Management and Conservation Plan (WMCP) under OAR Chapter 690, Division 86. The required WMCP shall be submitted to the Department within 3 years of an approved extension application. Use of water under Permit G-12739 must be consistent with this and subsequent WMCP's approved under OAR Chapter 690, Division 86 on file with the Department.


The deadline established in this PFO for submittal of a WMCP shall not relieve a permit holder of any existing or future requirement for submittal of a WMCP at an earlier date as established through other orders of the Department. A WMCP submitted to meet the requirements of this order may also meet the WMCP submittal requirements of other Department orders.

---

application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and the claim of beneficial use.



DATED: May 3, 2011

  
Dwight French, Administrator  
Water Rights Services Division

*If you have any questions, please  
check the information box on the  
last page for the appropriate  
names and phone numbers.*

**Proposed Final Order Hearing Rights**

1. Under the provisions of OAR 690-315-0100(1) and 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. The written protest must be received by the Water Resources Department no later than **June 17, 2011**, being 45 days from the date of publication of the proposed final order in the Department's weekly notice.
2. A written protest shall include:
  - a. The name, address and telephone number of the petitioner;
  - b. A description of the petitioner's interest in the proposed final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
  - c. A detailed description of how the action proposed in the proposed final order would adversely affect or aggrieve the petitioner's interest;
  - d. A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
  - e. Any citation of legal authority supporting the petitioner, if known;
  - f. Proof of service of the protest upon the water right permit holder, if petitioner is other than the water right permit holder; and
  - g. The applicant or non-applicant protest fee required under ORS 536.050.
3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:
  - a. Issue a final order on the extension request; or
  - b. Schedule a contested case hearing if a protest has been submitted, and:
    - 1) Upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or
    - 2) The applicant submits a written request for a contested case hearing within 30 days after the close of the period for submitting protests.



## Mailing List for Extension PFO Copies

PFO Date: May 3, 2011

Application G-12648  
Permit G-12739

Original mailed to Applicant:

Ochoco West Water & Sanitary Authority  
Attn: Elsa Hyder  
5488 NW Prine Road  
Prineville, OR 97754

Copies sent to:

- ✓1. WRD - App. File G- 12648 / Permit G-12739
- ✓2. WRD - Watermaster District 11 – Jeremy Giffin
- ✓3. Jerry Page, 276 North Shore Trail, Prineville, OR 97754

Fee paid as specified under ORS 536.050 to receive copy:

- 4. None

Receiving electronic copy via e-mail (10 AM Tuesday of signature date)

- 5. WRD – Bill Fujii/Lisa Jaramillo – Notify of WMCP needed  
Done by ALR Date 5/3/11

CASEWORKER: ALR

<b>Copies Mailed</b>
By: <u>La</u>
(SUPPORT STAFF)
on: <u>5/3/11</u>
(DATE)

- 
- If you have any questions about statements contained in this document, please contact Ann Reece at 503-986-0827.
  - If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Patricia McCarty at 503-986-0820.
  - If you have any questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0801.
  - Address any correspondence to:      Water Rights and Adjudications Division  
725 Summer St NE, Suite A  
Fax: 503-986-0901      Salem, OR 97301-1266
-





# Oregon

Theodore R. Kulongoski, Governor

Water Resources Department  
North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271  
503-986-0900  
FAX 503-986-0904

February 3, 2009

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Rights Section has received your application for an extension of time for **APPLICATION FILE # G-12648 (PERMIT # G-12739)**. Your application will be reviewed in the near future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

If you have questions concerning your extension of time application, please contact Scott Kudlemyer at (503) 986-0813. For general information about the Water Resources Department, you may contact the Water Resources' Customer Service Group at (503) 986-0801 or you may access the Department's Internet home page at: "[www.wrd.state.or.us](http://www.wrd.state.or.us)".

STATE OF OREGON

COUNTY OF CROOK

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

OCHOCO WEST WATER DISTRICT  
9513 JORDAN RD  
PRINEVILLE, OREGON 97754

(541) 447-4177

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: G-12648

SOURCE OF WATER: A WELL IN LYTLE CREEK BASIN

PURPOSE OR USE: QUASI-MUNICIPAL

MAXIMUM RATE: 0.579 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: SEPTEMBER 4, 1991

POINT OF DIVERSION LOCATION: SW 1/4 SE 1/4, SECTION 27, T13S, R15E, W.M.; 600 FEET SOUTH AND 100 FEET WEST FROM THE C 1/4 CORNER OF SECTION 27

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 SW 1/4  
SE 1/4 SW 1/4  
SW 1/4 SE 1/4  
SECTION 27  
NW 1/4 NE 1/4  
SW 1/4 NE 1/4  
NE 1/4 NW 1/4  
NW 1/4 NW 1/4  
SW 1/4 NW 1/4  
SE 1/4 NW 1/4  
SECTION 34

TOWNSHIP 13 SOUTH, RANGE 15 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.

Application G-12648 Water Resources Department

PERMIT G-12739



- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

Within one year of permit issuance, the permittee shall submit a water management and conservation plan consistent with OAR Chapter 690, Division 86.

Water for use under this permit shall not be for the production of commercial agricultural crops.

#### STANDARD CONDITIONS

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.



Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

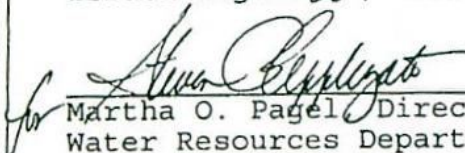
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction of the well shall begin within one year from permit issuance, and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued August 28, 1996

  
Martha O. Pagel, Director  
Water Resources Department

Application G-12648  
Basin 05

Water Resources Department  
Volume 2A, LYTLE CREEK & MISC..  
MGMT.CODES 7BG, 7BR, 7JG, 7JR

PERMIT G-12739  
District 11



STATE OF OREGON

COUNTY OF CROOK

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

OCHOCO WEST WATER DISTRICT  
9513 JORDAN RD  
PRINEVILLE, OREGON 97754

(541) 447-4177

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: G-12648

SOURCE OF WATER: A WELL IN LYTLE CREEK BASIN

PURPOSE OR USE: QUASI-MUNICIPAL

MAXIMUM RATE: 0.579 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: SEPTEMBER 4, 1991

POINT OF DIVERSION LOCATION: SW 1/4 SE 1/4, SECTION 27, T13S, R15E, W.M.; 600 FEET SOUTH AND 100 FEET WEST FROM THE C 1/4 CORNER OF SECTION 27

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 SW 1/4  
SE 1/4 SW 1/4  
SW 1/4 SE 1/4  
SECTION 27  
NW 1/4 NE 1/4  
SW 1/4 NE 1/4  
NE 1/4 NW 1/4  
NW 1/4 NW 1/4  
SW 1/4 NW 1/4  
SE 1/4 NW 1/4

SECTION 34

TOWNSHIP 13 SOUTH, RANGE 15 EAST, W.M.

RECEIVED

JAN 23 2009

WATER RESOURCES DEPT  
SALEM, OREGON

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.

Application G-12648 Water Resources Department

PERMIT G-12739



- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

Within one year of permit issuance, the permittee shall submit a water management and conservation plan consistent with OAR Chapter 690, Division 86.

Water for use under this permit shall not be for the production of commercial agricultural crops.

#### STANDARD CONDITIONS

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

RECEIVED

JAN 23 2009

WATER RESOURCES DEPT  
SALEM, OREGON

Application G-12648      Water Resources Department      PERMIT G-12739



Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

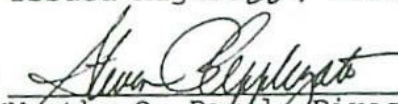
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction of the well shall begin within one year from permit issuance, and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued August 28, 1996

*for*   
Martha O. Pagel Director  
Water Resources Department

RECEIVED

JAN 23 2009

WATER RESOURCES DEPT  
SALEM, OREGON

FLASH

Application G-12648  
Basin 05

Water Resources Department  
Volume 2A, LYTLE CREEK & MISC..  
MGMT.CODES 7BG, 7BR, 7JG, 7JR

PERMIT G-12739  
District 11

JERRY GAINBY

986-0812

~~XXXXXXXXXX~~

JERRY CLARK

503-986-0811



# Municipal or Quasi-Municipal

Extension PFO Checklist for Water Use Permits

issued on or prior to November 2, 1998

(OAR 690-315-0010 through OAR 690-315-0060)

Application: G- 12648 Permit: G- 12739 Permit Amendment? No ☒ Yes ☐ T- ☐ pending ☐ approved

Permit Holder's Name: Ochoco West Water District Attn: Jerry Page, CWRE 284 *Sanitary Authority 541-447-6885 or 541-447-1934*

Permit Holder's Mailing Address: 9513 Jordan Rd, Prineville OR, 97754 email Elsa Hyder

Phone Number: 541-416-1840 *5488 NW Prince Rd Prineville, OR 97754*

POD Location: Township 13 SOUTH Range 15 EAST Section 27  $\frac{1}{4}$  SWSE

Drainage Basin: 5 County: Crook Watermaster District: 11 Watermaster: Jeremy Giffin

Date Permit was issued: 8/28/1996

Priority Date: 9/4/1991

Date of PN: 2/3/2009

Source: One well in Lytle Creek Basin

Use: ☐ Municipal ☒ Quasi Municipal

"Q": 0.579

Orig "A" Date: 8/28/1997

Orig "B" Date: 10/1/1998

Orig "C" Date: 10/1/1999

Extension request rec'd: 1/23/2009

Last Authorized "B" Date: 10/1/

Last Authorized "C" Date: 10/1/

Request Number (1, 2, 3...): 1

Proposed "B" Date: 10/1/2049

Proposed C Date: 10/1/2049

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Install meter
<input type="checkbox"/>	<input checked="" type="checkbox"/>	WMPC, Div. 86
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>A-DATE</i>
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	

Factors to consider in determining "Reasonable Diligence" [OAR 690-315-0040(3)]:

Yes No

- ☒ ☐ Work was accomplished within the time allowed in the permit or previous extension
- ☐ ☒ Water right permit holder conformed with the permit or previous extension conditions
- ☒ ☐ Beneficial use made of the water during the permit or previous extension time limits
  - Permit holder has beneficially used 0.00 ☒ cfs ☐ gpm ☐ af Undeveloped portion 0.579 ☒ cfs ☐ gpm ☐ af
- ☒ ☐ Financial investments were made toward developing the beneficial water use.
  - Amount Invested to date: \$132,900 Estimated Remaining Cost: \$110,000

Has the applicant pursued perfection of the right in good faith and with reasonable diligence? Yes ☒ No ☐

Population 400 (Year) 2006 ☒ Growth 3% ☒ Population 1,241 by (Year) 2048 Calculated? Yes ☒

Peak Demand 0.00 cfs (Year) 2006 ☒ Peak Demand 0.28 cfs by (Year) 2048 Calculated? Yes ☒

*0.224*



Application: G- 12648 Permit: G- 12739 Township 13 SOUTH Range 15 EAST Section 27

For MUNICIPAL permits ONLY.

Yes No

- ☐ ☒ Is this a Municipal use Permit (If YES, proceed. If NO, skip to "Good Cause")  
☐ ☐ Has full "Q" been beneficially used? (If YES, skip to "Good Cause")  
☐ ☐ Is this the first extension issued since 6/29/05? (If NO, skip to "Good Cause")  
☐ ☐ If GW permit, does it have PSI? (If NO, skip to "Good Cause")  
☐ ☐ Does the permit holder have any existing fish protection agreements with a state or federal agency?

Date sent to ODFW for review \_\_\_\_\_

Date returned from ODFW \_\_\_\_\_

Based on the written record, can the Department make a finding of "Good Cause" to approve the extension request?

Yes... "Good Cause" can be found. ☒ Approval of Extension Request

No ... "Good Cause" cannot be found. ☐ Denial of Extension Request

Conditions to be included in Extension PFO (if applicable)? Yes ☐ No ☐

(NOTE: Check the file record for documentation to add a condition(s) at the extension stage.)

☒ Max "Q" Development Limitations and Div. 86 Water Management and Conservation Plan

☐ Other: \_\_\_\_\_

Footnote regarding Claim of Beneficial Use. Choose the appropriate language below and insert as a footnote in the PFO:

☐ COBU Requirement - Surface/Ground Water - on or prior to July 9, 1987

"For permits applied for or received on or before July 9, 1987, upon complete development of the permit, you must notify the Department that the work has been completed and either: (1) Hire a water right examiner certified under ORS 537.798 to conduct a survey, the original to be submitted as required by the Water Resources Department, for issuance of a water right certificate; or (2) Continue to appropriate water under the water right permit until the Water Resources Department conducts a survey and issues a water right certificate under ORS 537.250 or 537.625."

☐ COBU Requirement - Surface Water - post July 9, 1987

"Pursuant to ORS 537.230(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."

☒ COBU Requirement - Ground Water - post July 9, 1987

"Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."

**NOTES:**

Well drilled as a requirement of Crook County Planning Commison. Well is redundant back-up and is not currently used in any capacity. sbk

CC:

Jerry Page  
276 North Shore Trail  
Prineville, OR 97754

**Extension "PFO" Dates**

Mailing / Issuance Date: \_\_\_\_\_ Protest Deadline Date: \_\_\_\_\_

Reviewer's Name: \_\_\_\_\_ Date: \_\_\_\_\_



Application # G-12648 Permit # G 12739

**Public Notice Route Slip ... New Application Extension of Time**  
per Division 315 Rules... (Extensions received on July 1, 2001 or after)

♦ **WRIG...**

Money Received on: 1/23/09

♦ **Extension Specialist...**

- ☒ Added to tracking spreadsheet

**After fee is receipted and app is added to spreadsheet, route to...**

♦ **Jonnine Skaug...**

- ☒ Publish on Public Notice (initial 30-day comment): Date of notice 2/3/09 *MS*
- ☒ Update WRIS Database
- ☒ In the "PNotice Date" field... Enter the date the Extension Application was published on the Public Notice.
- ☒ In the "Ext Filed" field... Enter the date the Extension Application was received.

Yes or No:

Return file to Extension Specialist after PN

**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A  
SALEM, OR 97301-4172  
(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **95436**

INVOICE # \_\_\_\_\_

RECEIVED FROM: Crack County Treasurer / Finance  
BY: \_\_\_\_\_

APPLICATION	G-12648
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # X 34698 OTHER: (IDENTIFY) ☐ \_\_\_\_\_

TOTAL REC'D \$ 350.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES \$ \_\_\_\_\_  
OTHER: (IDENTIFY) \$ \_\_\_\_\_  
0243 I/S Lease \_\_\_\_\_ 0244 Muni Water Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water \_\_\_\_\_

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS** 46111

0407 COPY & TAPE FEES \$ \_\_\_\_\_  
0410 RESEARCH FEES \$ \_\_\_\_\_  
0408 MISC REVENUE: (IDENTIFY) \$ \_\_\_\_\_  
TC162 DEPOSIT LIAB. (IDENTIFY) \$ \_\_\_\_\_  
0240 EXTENSION OF TIME \$ 350.00

**WATER RIGHTS:**

0201 SURFACE WATER	EXAM FEE \$ _____	0202 \$ _____
0203 GROUND WATER	\$ _____	0204 \$ _____
0205 TRANSFER	\$ _____	

**WELL CONSTRUCTION**

0218 WELL DRILL CONSTRUCTOR	EXAM FEE \$ _____	0219 \$ _____
LANDOWNER'S PERMIT		0220 \$ _____

OTHER (IDENTIFY) \_\_\_\_\_

**0536 TREASURY 0437 WELL CONST. START FEE**

0211 WELL CONST START FEE \$ \_\_\_\_\_  
0210 MONITORING WELLS \$ \_\_\_\_\_  
OTHER (IDENTIFY) \_\_\_\_\_

CARD #	
CARD #	

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

0233 POWER LICENSE FEE (FW/WRD) \$ \_\_\_\_\_  
0231 HYDRO LICENSE FEE (FW/WRD) \$ \_\_\_\_\_  
HYDRO APPLICATION \$ \_\_\_\_\_

**TREASURY OTHER / RDX**

FUND \_\_\_\_\_ TITLE \_\_\_\_\_  
OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_  
DESCRIPTION \$ \_\_\_\_\_

RECEIPT: **95436**

DATED: 1/23/07 BY: L. Bell



38698

DATE	INVOICE NO	DESCRIPTION	ACCT NO	AMOUNT
01/15/09	PERMIT# 12739	OCHOCO WEST		350.00

Records have been redacted or withheld pursuant to the exemption for financial transfer records specified in ORS 192.345(27).

**RECEIVED**

JAN 23 2009

WATER RESOURCES DEPT  
SALEM, OREGON



Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem Oregon 97301-1266  
(503) 986-0900  
www.wrd.state.or.us

## Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits

Make use of this form, *Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits*, only if the permit uses the word "Municipal" or "Quasi-municipal" in the description of the purpose or use to which water is to be applied.

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

A separate extension application must be submitted for each permit as per OAR 690-315-0070(2). This page, with an original signature by the permit holder of record, must accompany any application for extension of time.

*This application and a summary of review criteria and procedures that are generally applicable to this application are available at <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml>*

I, Ochoco West Water District

NAME OF PERMIT HOLDER [OAR 690-315-0070(1) and (3)(a)]

Jerry Page CWRE 284

NAME OF CONTACT

9513 Jordan Road

ADDRESS

Prineville

CITY

Or.

STATE

97754

ZIP

541-416-1840

PHONE

E-MAIL ADDRESS

the permit holder of:

Application Number

G - 12648

Permit Number

G - 12739

[OAR 690-315-0070(3)(b)]

do hereby request that the time in which to:

☒ complete construction of Shut down for arsenic water treatment works and/or purchase and installation of the equipment ne extended to C which time now expires on October 1, 1999, be

and/or the time in w

☒ apply water to terms and conditions of the permit, which time now expires on October 1, 2049.

I am the permittee, or have written authorization from the permittee, to apply for an extension of time under this permit. I certify that the information I have provided in this application is true and correct to the best of my knowledge.

Signature

Dan Park

RECEIVED

Date

1-20-09

JAN 23 2009

WATER RESOURCES DEPT  
SALEM, OREGON





Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem Oregon 97301-1266  
(503) 986-0900  
www.wrd.state.or.us

## Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits

Make use of this form, *Application for Extension of Time for Municipal and Quasi-Municipal Water Use Permits*, only if the permit uses the word "Municipal" or "Quasi-municipal" in the description of the purpose or use to which water is to be applied.

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

A separate extension application must be submitted for each permit as per OAR 690-315-0070(2). This page, with an original signature by the permit holder of record, must accompany any application for extension of time.

*This application and a summary of review criteria and procedures that are generally applicable to this application are available at <http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml>*

I, Ochoco West Water District

NAME OF PERMIT HOLDER [OAR 690-315-0070(1) and (3)(a)]

Jerry Page CWRE 284

NAME OF CONTACT

9513 Jordan Road

ADDRESS

Prineville

CITY

Or.

STATE

97754

ZIP

541-416-1840

PHONE

E-MAIL ADDRESS

the permit holder of:

Application Number G - 12648

Permit Number G - 12739

[OAR 690-315-0070(3)(b)]

do hereby request that the time in which to:

☒ complete construction (or diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water), which time now expires on October 1, 1999, be extended to October 1, 2049,

and/or the time in which to:

☒ apply water to full beneficial use under the terms and conditions of the permit, which time now expires on October 1, 1999, be extended to October 1, 2049.

I am the permittee, or have written authorization from the permittee, to apply for an extension of time under this permit. I certify that the information I have provided in this application is true and correct to the best of my knowledge.

Don Park

Signature

1-20-09

Date

RECEIVED

JAN 23 2009

WATER RESOURCES DEPT  
SALEM, OREGON

**Before submitting, make sure the following items are included:**

- Completed Application for Extension of Time
- Statutory fee of \$350 (ORS 536.050)
- Signature page (page 1 of application) for Application for Extension of Time
- All supporting documentation and/or evidence referenced in the Application for Extension of Time

**MAIL COMPLETED APPLICATION**

along with the

**\$350 STATUTORY FEE (ORS 536.050) TO:**

**Water Resources Department  
Attn: Water Right Permit Extensions  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266**

**RECEIVED**

JAN 23 2009

WATER RESOURCES DEPT  
SALEM, OREGON



**GENERAL TIPS:**

- A separate Application for Extension of Time must be submitted for each permit. OAR 690-315-0070(2).



- request the reasonable amount of time necessary to fully develop the permit and complete the project. If you don't request enough time, OWRD may be unable to find that you can complete the project within the time requested.
- permit extensions for municipal and quasi-municipal permits are evaluated under OAR Chapter 690, Division 315. Except under limited circumstances (see OAR 690-315-0090), upon issuance of an order approving an extension of time, the permit holder will be required to submit a Water Management and Conservation Plan (WMCP) under OAR Chapter 690, Division 80 within 3 years. Diversion of water beyond the maximum rate currently diverted under the permit shall only be authorized upon approval of a WMCP. These rules may be viewed at: <http://www.wrd.state.or.us/OWRD/LAW/index.shtml>.
- The Application for Extension of Time includes more detailed tips and instructions to help you respond to each item of the application. Oregon water law and administrative rules require the OWRD to consider each of these items when reviewing a Municipal or Quasi-Municipal water use Application for Extension of Time. However, please feel free to provide OWRD with any additional information or evidence that will aid us in making our decision. Please note that OWRD may require other information that is necessary to evaluate the application. OAR 315-0070(3)(p).
- After careful review of the Application for Extension of Time, you may contact OWRD at (503) 986-0900, to ask questions and request assistance from a Permit Extensions Specialist in the Water Rights and Adjudications Division.
- Once an Application for Extension of Time is received by OWRD, it will be reviewed for completeness. OWRD will return any incomplete or deficient applications to the applicant. OAR 690-315-0080(1)(a).

#### **Reference Materials Needed to Complete this Application**

Below is a listing of the items that must be reviewed and considered when completing an Application for Extension of Time for a Municipal or Quasi-Municipal water use permit:

- The subject water right permit. If needed, a copy of the water right permit can be downloaded from the Department's Website at <http://www.wrd.state.or.us> (find the link to the Water Rights Information System (WRIS). Or, a copy of the permit (or other documents) may be requested by water right application number from the Water Rights Division at 503-986-0900 (copy fees will apply).
- water management and Conservation Plan (OAR Chapter 690, Division 80), *if applicable*, per OWRD.
- Water System Master Plan, *if applicable*, per Oregon Health Division.
- Documentation which demonstrates compliance with permit conditions (for example, well construction logs; static water level measurement reports; annual water use reports; a long-term alternative water supply plan; a plan to monitor the effect of water use on ground water aquifers utilized under the permit, etc.).
- All other water rights (certificates, permits, permit amendments, transfers, and/or new applications) held by the applicant.

#### **Definitions Pertinent to this Application for Extension of Time**

**RECEIVED**

JAN 23 2009

WATER RESOURCES DEPT  
SALEM OREGON



**Actual Construction** - any physical work performed toward completion of the water system which demonstrates the water right permit holder's good faith and intention to complete the project with reasonable diligence. Actual construction does not include planning a diversion system, formulating a business plan, securing financing, letting contracts, purchasing but not installing equipment, or surveying. This definition applies to quasi-municipal permit holders, required under the applicable statute, and for municipal water use permits issued on or after June 29, 2005. OAR 690-315-0070(3)(c) and (d), and OAR 690-315-0020(3)(A) and (B).

**C-Date** - the date specified in the permit for complete application of water.

**Permitted Time Period** - period of time between the date when the permit was signed and the date specified in the permit for complete application of water

**Time Period of the Previous Extension - For 2nd Application for Extension of Time** - period of time between the date specified in the permit for complete application of water and the new "extended to date" for complete application of water specified in the 1st approved extension.

**For 3rd or Application for Extension of Time** - period of time between the "extended from date" for complete application of water and the "extended to date" for complete application of water specified in the most recently approved extension.

**Undeveloped Portion of the Permit** - the portion of the permit that is the difference between the maximum rate, or duty if applicable, specified in the permit and the maximum rate, or duty if applicable, diverted for beneficial use before the extension. OAR 690-315-0010(6)(g).

**Work and Actions Accomplished** - includes both physical work and other activities associated with the development of the water right, such as: water management planning; conservation planning; development of a water master plan for the Oregon Health Division; planning of a diversion system; demand forecasting; flow or water quantity monitoring; source evaluation; entry into intergovernmental agreements for water delivery; property acquisition; engagement in governmental permitting or project financing; procurement of planning, design or construction services; surveying; and any physical work performed toward completion of the system and development of the right (e.g., pumps; pipes; well construction; treatment plant/facilities; transmission systems; distribution systems; and/or intake structures). OAR 690-315-0080(4).

## Completing the Extension of Time Application for Quasi-Municipal or Municipal Use Permits

On separate sheets of paper, please provide the information requested by item numbers 1-15. OWRD will use this information to evaluate your Application for Extension of Time. *This is not meant to be a fill-in-the-blank type of application.* A Microsoft Office Word template (.dot) for this Application for Extension of Time (For Quasi-Municipal and Municipal Water Use Permits) may be available from the Extension Specialist at OWRD.

RECEIVED

JAN 23 2009



**TIP:**

When making a reference to any document, report, and/or plan: WATER RESOURCES DEPT

(1) reference the source document along with any page number(s), table(s) and/or chart(s) used in the response, and  
SALEM, OREGON

(2) include a copy of the source document (or appropriate pages) with the extension application.

OAR 690-315-0070(3)



1. **Submit the appropriate extension of time fee (\$550), as specified under ORS 536.050.**  
If the extension application fee has already been paid, please provide indicate why and when it was paid.  
*The statute for this fee may be viewed at [www.leg.state.or.us/ors/536.html](http://www.leg.state.or.us/ors/536.html).*

[OAR 690-315-0070(3)(c)]

2. **For Quasi-Municipal water use permit holders, provide evidence of the actions taken to begin actual construction on the project if required under the applicable statute.** All Quasi-Municipal permits issued prior to October 23, 1999, are generally required to begin actual construction within one (1) year.

**Preferred format for item 2:**

Begin Date 5-12-96. Construction of Well began.  
(month/year) (details)

[OAR 690-315-0070(3)(d)]

3. **For Municipal water use permits issued on or after June 29, 2005, evidence of the actions taken to begin actual construction on the project.**

**RECEIVED**

JAN 23 2009

**Preferred format for item 3:**

WATER RESOURCES DEPT  
SALEM, OREGON

Begin Date N/A. Construction of  began.  
(month/year) (details)

[OAR 690-315-0070(3)(e)]

4. **Provide evidence of actions taken to develop the water right permit within the permitted time period and/or within the time period of the previous extension.**

INSERT DATES	ALL WORK AND ACTIONS ACCOMPLISHED BEFORE PERMIT WAS ISSUED <i>List work/actions done before the permitted was issued – eg. Well drilled.</i>	COST <sup>1</sup>
1996	Well drilled	\$18,500
INSERT DATES	ALL WORK AND ACTIONS ACCOMPLISHED DURING PERMITTED TIME PERIOD (after permit was issued and prior to permit "C-date") <i>List work/actions done during the permitted time period.</i>	COST
8/28/96	The permit was signed - find date above signature on last page of permit.	
	(For accomplished work and actions see attached sheet)	\$53,600
8/28/97	The permit specified "Actual Construction Work" shall begin ("A-Date") -not all permits contain this date.	
10/1/99	The permit specified complete application of water to the use shall be made ("C-Date") - all permits contain this date.	



INSERT DATES	ALL WORK AND ACTIONS ACCOMPLISHED AFTER PERMIT "C-Date" and PRIOR TO ANY EXTENSION OF TIME REQUEST	COST
	<i>For the 1<sup>st</sup> Application for Extension of Time: List work/actions done after the permit "C-date" up to the date of this extension request. For Other than the 1<sup>st</sup> Application for Extension of Time: List any work/actions done after the permit C-Date but prior to the most recent extension.</i>	
10/1/99 to present	Maintenance @ \$800/ year (9 years)	\$ 7,200
INSERT DATES	ALL WORK AND ACTIONS ACCOMPLISHED DURING THE MOST RECENT EXTENSION OF TIME GRANTED	COST
	<i>For Other than 1<sup>st</sup> Application for Extension of Time: List any work/actions done during the time period most recent extension.</i>	
10/1/___	Last "Extended From Date" for complete application of water (used on the most recently approved extension of time).	
10/1/___	Last "Extended To" date for complete application of water (resulting from the most recently approved extension of time).	
INSERT DATES	ALL WORK AND ACTIONS ACCOMPLISHED AFTER THE MOST RECENT EXTENSION OF TIME GRANTED	COST
	<i>List work/actions done after the last authorized date for complete application of water has passed.</i>	
Total Cost to Date		\$ 79,300

<sup>1</sup> In combination with Item 8

[OAR 690-315-0070(3)(1)]

5. Provide evidence of compliance with conditions contained in the original permit, and any previous extension(s), or the reason the condition was not satisfied.

A. A water management and conservation plan was to be submitted by August 28, 1997. This is currently being drafted. The constant turnover of board members on the board of directors has been a constant problem as no one is currently on the board who knew anything about the permit or its provisions. It was apparently handed off to someone who quit without informing the board of its need.

RECEIVED

JAN 23 2009

WATER RESOURCES DEPT  
SALEM, OREGON



- B. The requirement for a meter has been met. This well is supplementary to the springs under permit 42778. Drilling the well was a requirement of the Crook County Planning Commission in lieu of placing a moratorium on future building. The well has only been used once since it was constructed.

[OAR 690-315-0070(3)(g)]

6. Provide evidence of the maximum rate, or duty if applicable, of water diverted for beneficial use under the permit and/or prior extensions of time, if any, made to date.

Preferred format for item 6:

Maximum instantaneous rate used to date = 0.00 \_\_ cfs (cubic feet per second) or,

Maximum instantaneous rate used to date = \_\_\_\_\_ gpm (gallons per minute) or,

Acre Feet stored to date= \_\_\_\_\_ AF

[OAR 690-315-0070(3)(h)]

7. Provide an estimate of the population served under this permit and a description of the methodology(ies) used to make the estimate.

According to the US Census of 2000, the average household in Crook County contains 2.30 persons. There are 170 households in the subdivision. The estimated population would therefore be 400 people. However, as a redundant backup that is not being utilized, this well actively serves no one on a continuous basis.

[OAR 690-315-0070(3)(i)]

8. Provide a description of the financial expenditures made toward completion of the water development under this permit.

RECEIVED

JAN 23 2009

Preferred Format for Item 8: Answer in conjunction with Item 4

WATER RESOURCES DEPT

SALEM, OREGON

DATE	WORK OR ACTIONS ACCOMPLISHED	COST
	See attached sheet	
Total Cost		\$53,600

[OAR 690-315-0070(3)(j)]

9. Provide an estimate of the cost necessary to complete the water development.

8.

All Work and Actions Accomplished during Permitted time Period

Work/Action	Cost
Const. well house	\$ 9,000
Const. filtration building	\$ 18,500
Installed filtration system	\$ 18,000
Const. 4 filtration ponds	\$ 6,000
Maintenance 3 years @ \$ 700/ year	<u>\$ 2,100</u>
Total Cost	\$ 53,600

**RECEIVED**

JAN 23 2009

WATER RESOURCES DEPT  
SALEM, OREGON



APPROXIMATE DATE RANGE (projected)	WORK AND ACTIONS TO BE ACCOMPLISHED (projected)	ESTIMATED COST (projected)
2009 -2010	Add filtration module	\$21,000
2020 - 2025	Add filtration module	\$25,000
2030 - 2035	Add filtration module	\$30,000
2035 - 2045	Add filtration module	\$35,000
Total Cost		\$110,000

[OAR 690-315-0070(3)(k)]

10. Provide a summary of any events that delayed completion of the water development or application of water to full beneficial use, including other governmental requirements (if any), relating to the project that have significantly delayed completion of construction or perfection of the right.

This well is a redundant back up system as required by the Crook County Planning Commission, and will only be used in emergency conditions. It will possibly go online at a future date.

[OAR 690-315-0070(3)(l)]

- 11-A. Provide an estimated demand projection and a description of the methodology(ies) used for the subject water right permit, considering the other water rights held by the municipal or quasi-municipal water use permit holder, and a date by which the water development is anticipated to be completed and water put to full beneficial use.

In developing your estimated demand projections for the permit being extended, you should include the following items:

- a) Inventory of Water Rights Held  
See "Attachment A"

- b) Water Supply Contracts and/or Agreements  
N/A

- c) Current Peak Water Demands  
0.224 cfs (See sheet 6)

- d) Projected Population  
This subdivision grew a rate of 3%± from 1972 to 2000. From 2000 to 2007 the growth rate was 3.7%± as opposed to the growth rate of Crook County in general of 19.3% or the same time period. (See census data attached) 3% would therefore seem a reasonable projection for future growth.

- e) Future Peak Water Demands  
Future peak water demands should parallel the growth rate. By 2048 the population should approach build out at 526 homes by applying the 3% growth rate, and by extrapolating the future demand based on present use, the future water use should be approximately 182700

RECEIVED

JAN 23 2009

WATER RESOURCES DEPT  
SALEM, OREGON



gal/day or a constant use of 0.28 cfs. We can't calculate the future max instantaneous rate as we don't know what type of pump will be in use at that time.

1j) Potential Growth

There is little that would change the 3% projected rate. If Deschutes and Jefferson Counties both become saturated some of the overflow would perhaps come this way.

g) Completion Date

Based on the 3% growth rate, max build out and therefore completion of water development should occur in approximately 2048.

[OAR 690-315-0070(3)(1)]

- 11-B. Application for Extension of Time requests for greater than 50 years must include documentation that the demand projection is consistent with the amount and types of lands and uses proposed to be served by the permit holder.

N/A

[OAR 690-315-0070(3)(m)]

12. Provide a summary of the future plan and schedule to complete construction and/or perfect the water right.

RECEIVED

JAN 23 2009

WATER RESOURCES DEPT

SALEM, OREGON  
ESTIMATED  
COST<sup>1</sup>

APPROXIMATE DATE RANGE	WORK AND ACTIONS TO BE ACCOMPLISHED	ESTIMATED COST <sup>1</sup>
2009-2010	Add filtration module	\$21,000
2020-2025	Add filtration module	\$25,000
2030-2035	Add filtration module	\$30,000
2035-2045	Add filtration module	\$35,000
Total Cost		\$110,000

<sup>1</sup> In combination with Item 8

[OAR 690-315-0070(3)(n)]

13. Justify the time requested to complete the project and/or apply the water to full beneficial use.

The slow growth rate over the years is the prime reason for the need for an extension of time to allow the need arise before applying water to full beneficial use.

[OAR 690-315-0070(3)(o)]

14. Provide any other information you wish OWRD to consider while evaluating the Application for Extension of Time



15. For Municipal water use permits issued before November 2, 1998, for the first extension issued after June 29, 2005, provide a copy of any agreements regarding use of the undeveloped portion of the permit between the permit holder and a federal or state agency that include conditions or required actions that maintain the persistence of listed fish species in the portions of the waterways affected by water use under the permit.

**RECEIVED**

JAN 23 2009

WATER RESOURCES DEPT  
SALEM, OREGON

**Ochoco West Subdivision**  
**INVENTORY OF EXISTING WATER RIGHTS**  
(certificates, permits, transfers, or new applications)

Attachment "A"

**Ground Water**

Application/Permit Number	Certificate Number	Source	Use	Priority Date	Authorized Amount of Water	Max Amount of Beneficial Water Used To Date	*Use Limitations
G-12648 / G-12739	10679	Well 1	Quasi/Municipal	9/4/1991	.579 cfs	Not used	For system redundancy

**Surface Water**

Application/Permit Number	Certificate Number	Source	Use	Priority Date	Authorized Amount of Water	Max Amount of Beneficial Water Used To Date	*Use Limitations
S-49681 / S-42778	N/A	2 springs	Quasi/Municipal	9/6/1972	0.5 cfs	0.074 cfs	Only limited by need
S-50254 / S-42779	N/A	Lytle Creek	Quasi/Municipal	4/3/1973	Emergency reserve	See above	Same as above
S-50255 / S-42780	N/A	3 springs	Quasi/Municipal	4/3/1973	0.2 cfs	0.150 cfs	Only limited by need

RECEIVED

JAN 23 2009

WATER RESOURCES DEPT  
SALEM, OREGON

← A date missed  
Ext. Appl  
Withdrawn

**Pending Applications**

Application Number	Proposed Source	Proposed Use	Priority Date	Proposed Amount of Water	*Use Limitations

\* If a particular water right certificate, permit, or transfer is not being utilized to meet current demands or its use is limited, please explain why.



**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

G-12648 jks  
OCHOCO WEST WATER DISTRICT  
9513 JORDAN RD  
PRINEVILLE OR 97754

2. Article Number

(Transfer from service label)

7004 1350 0000 7662 7174

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

Louetta Petit

☐ Agent☐ Addressee

B. Received by (Printed Name)

Louetta Petit

C. Date of Delivery

8-17-07

D. Is delivery address different from item 1?

☒ Yes

If YES, enter delivery address below:

☐ No5488 NW Pine Rd  
Prineville OR 97754

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

UNITED STATES POSTAL SERVICE



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

WATER RESOURCES DEPARTMENT  
725 SUMMER STREET NE SUITE A  
SALEM OR 97301-1271

RECEIVED  
AUG 22 2007  
WATER RESOURCES DEPT  
SALEM, OREGON





# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
503-986-0900  
FAX 503-986-0904

NOTE: For water rights information and useful forms, please see our web site at [www.owrd.org](http://www.owrd.org)

August 15, 2008

OCHOCO W  
9513 JORDA  
PRINEVILLI

Reference: A

Dear Permit

This letter is  
the developn

In order for the Department to consider issuing a permit by law to hire a certified water right examiner to prepare and submit a claim of beneficial use that includes a final proof survey map of the development. The map and claim of beneficial use were to have been submitted to our Department within one year of 10/1/1999. A list of certified water right examiners is enclosed for your use.

If you are not finished with the development of your permit, you need to file an application for an extension of time to complete your development. An extension form is also enclosed with this letter.

In the event that you are no longer using water as allowed by this permit, you should cancel it so that we may clear our records. A cancellation form is enclosed, if you are interested in this option.

If you have not submitted either a Claim of Beneficial Use or a request for an extension of time for your permit within 60 days of the date of this letter (October 14, 2007) the Department may issue a Final Order to cancel your permit without further notice.

Should you have any questions, you may contact me at the address above or by telephone at 503-986-0817.

Sincerely,

Jerry Sauter  
Water Rights Program Analyst

Enclosures (3)

cc: File G-12648

OWRD Watermaster District 11

TYE, WILLIAM R, CWRE #191, TYE ENGINEERING, 725 NW HILL ST, BEND OR 97701

6.4.2008

RECEIVED MAY BE WORKING ON THIS. WAITING FOR A LETTER.

9-26-2008

SENT COPY OF PERMIT & EXT. APP-9-26-2008

to complete

10-23-2007  
LORETTA PATTI CARRON.

SENT EXT. FORM  
541-447-1939

1-4-2008  
JEREMY FENNER - NEW BOARD  
PRESIDENT. IS WORKING ON EXT.  
541-480-8149

10-7-08  
Jerry Paige  
541-447-6888 bring ext  
to attn. of board members.  
(Also need extension on  
3 other permits)





# Oregon

Theodore R. Kulongoski, Governor

Water Resources Department  
North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
503-986-0900  
FAX 503-986-0904

**NOTE: For water rights information and useful forms, please see our web site at [www.oregon.gov/OWRD](http://www.oregon.gov/OWRD)**

August 15, 2007

Certified mail number 7662 7174  
Return receipt requested

OCHOCO WEST WATER DISTRICT  
9513 JORDAN RD  
PRINEVILLE OR 97754

Reference: Application G-12648, Permit G-12739

Dear Permit Holder:

This letter is in regard to your water use permit as referenced above. Your permit required you to complete the development of your water use by 10/1/1999.

In order for the Department to consider issuance of a certificate of water right, you are required by law to hire a certified water right examiner to prepare and submit a claim of beneficial use that includes a final proof survey map of the development. The map and claim of beneficial use were to have been submitted to our Department within one year of 10/1/1999. A list of certified water right examiners is enclosed for your use.

If you are not finished with the development of your permit, you need to file an application for an extension of time to complete your development. An extension form is also enclosed with this letter.

In the event that you are no longer using water as allowed by this permit, you should cancel it so that we may clear our records. A cancellation form is enclosed, if you are interested in this option.

**If you have not submitted either a Claim of Beneficial Use or a request for an extension of time for your permit within 60 days of the date of this letter (October 14, 2007) the Department may issue a Final Order to cancel your permit without further notice.**

Should you have any questions, you may contact me at the address above or by telephone at 503-986-0817.

Sincerely,

Jerry Sauter  
Water Rights Program Analyst

Enclosures (3)

cc: File G-12648

OWRD Watermaster District 11

TYE, WILLIAM R, CWRE #191, TYE ENGINEERING, 725 NW HILL ST, BEND OR 97701

10-23-2007  
LORETTA PUTT CALLON.

BOAT GRP. FORM  
541-447-1939

1-4-2009  
JEREMY FENNER - NEW BOARD  
PRESIDENT - IS WORKING ON EXT.  
541-480-8149

10-7-08  
Jerry Paige  
541-447-6888 bring ext  
to attn. of board members.  
(Also need extension on  
3 other permits)



# Mailing List for 60-Day Compliance Letter Copies

Application # G-12648 Permit # G-12739 Letter Date: 8/15/2007

Original mailed to:

OCHOCO WEST WATER DISTRICT  
9513 JORDAN RD  
PRINEVILLE, OR, 97754

*Note:  
New Address*

Copies Mailed	
By:	<u>CAS</u> (support staff)
On:	<u>8/15/07</u> (date)

☒ Certified Mail ☒ Return Receipt Received (date) 8/17/07

☐ Letter Returned (if checked, please complete below)

Attempted to find permit holder by:

☐ Internet search – sites \_\_\_\_\_

☐ Phone book search

☐ Tax Assessor's office search

☐ Other \_\_\_\_\_

Attempt Successful ☐ Yes ☐ No (if Yes, fill in new address)

New Address: \_\_\_\_\_

Date new letter sent: \_\_\_\_\_

☐ Return receipt received (date) \_\_\_\_\_

Attempt to Find	
By:	_____
On:	_____
	(date)

**If attempt to find permit holder was not successful, name will be added to  
the Public Notice for 30 days**

Date added to PN: \_\_\_\_\_

Copies sent to:

1. WRD – File # G-12648 ✓
2. Water Availability – Ken Stahr ✓
3. WRD – Watermaster # 11 ✓

Copies sent to Other Interested Persons (CWRE, Agent, Well Driller, Commenter, etc.)

TYE, WILLIAM R, CWRE #191, TYE ENGINEERING 725 NW HILL ST, BEND OR 97701 ✓

PERMIT STATUS REVIEW BY Skaus DATE 8/2/07 FILE # g-12648

1. Per Dwight French, do not send "C" DATE NOTICE PACKET if: update appropriate db

no Extension pending \_\_\_\_\_

no Assignment is pending \_\_\_\_\_

no Cancellation has been requested \_\_\_\_\_

no Dept. has already sent a certified 60-Day Compliance letter (date \_\_\_\_\_, # \_\_\_\_\_)

Was 60 days notice allowed? Y N If No, How Much Time? \_\_\_\_\_

Was mail deliverable as addressed? Y N date \_\_\_\_\_

If mail returned, online/www check? Y N date \_\_\_\_\_ successful? Y N

Re-send Cert. Letter? Y N date \_\_\_\_\_

Send cancellation order Y N

no Claim of beneficial use and final proof map (COBU) have been received by Department  
Date information received \_\_\_\_\_

2. IF NONE OF THE ABOVE APPLY

☒ Send certified "C" date notice packet to permit holder.

"C" DATE 1999 BASIN NUMBER 5 WM # 11

CWRE or AGENT William Tye

S:\groups\wr\PERMIT C jd\c-date-checklist.doc

SEND LETTER  
A.H.P. 8/3/2007



# PHONE CALL

FOR \_\_\_\_\_ DATE 10.7 TIME 10:28 <sup>(M)</sup><sub>(M)</sub>

M Jerry Paige - Chair

OF Princeton

PHONE/  
MOBILE 541-447-6880 FAX \_\_\_\_\_

MESSAGE \_\_\_\_\_

Ext. Q.

Octavo West Warner Dist.

SIGNED TO: ANN  
From: JS

1154

☐ TELEPHONED

☐ RETURNED YOUR CALL

☐ PLEASE CALL

☐ WILL CALL AGAIN

☐ CAME TO SEE YOU

☐ WANTS TO SEE YOU



Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301  
(503) 986-0900  
www.wrd.state.or.us

# Request for Assignment

RECEIVED

APR 22 2011

WATER RESOURCES DEPT  
SALEM, OREGON

If for multiple rights, a separate form and fee for each right will be required.

1. OCHOCO WEST WATER DISTRICT

(Name of Applicant / Permit / Transfer Holder / License Holder/GR Certificate of Registration)

5488 NW PRINE RD. PRINEVILLE OR 97754 541-447-1934

(Mailing Address)

(City)

(State)

(Zip)

(Phone #)

☒ hereby assign all my interest in and to application/permit/transfer/license/GR Certificate of Registration;

☐ hereby assign all my interest in and to a portion of application/permit/transfer/license/GR Certificate of Registration; (You must include a map showing the portion of the application/permit/transfer/license/GR Certificate of Registration to be assigned.)

☐ hereby assign a portion of my interest in and to the entire application/permit/transfer/license/GR Certificate of Registration:

Application # G-12648 ; Permit # G-12739 ; Transfer # \_\_\_\_\_

-OR-

License # \_\_\_\_\_ ; GR Statement # \_\_\_\_\_ ; GR Certificate of Registration # \_\_\_\_\_

As filed in the office of the Water Resources Director, to:

OCHOCO WEST WATER AND SANITARY AUTHORITY

(Name of New Owner)

5488 NW PRINE RD. PRINEVILLE OR 97754 541-447-1934

(Mailing Address)

(City)

(State)

(Zip)

(Phone #)

**Note:** If there are other owners of the property described in the Application, Permit, Transfer, License, or GR Certificate of Registration, you must provide a list of all other owners' names and mailing addresses and attach it to this form.

I hereby certify that I have notified all other owners of the property described in this Application, Permit, Transfer, License, or GR Certificate of Registration of this Request for Assignment

Witness my hand this 28<sup>th</sup> day of MARCH, 2011.

Applicant/Permit Holder

Applicant/Permit Holder

ASS Gen  
J. S. 4/25/11

## DO NOT WRITE IN THIS BOX

- This certifies assignment and record change at Oregon Water Resources Department effective 8:00a.m. on date of receipt at Salem, Oregon.
- Fee receipt # 102713
- For Director by Jerry Sauter, Program Analyst in Water Rights Division

The completed "Request for Assignment" form must be submitted to the Department along with the recording fee of \$75.





# Oregon

John A. Kitzhaber, MD, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271  
503-986-0900  
FAX 503-986-0904

April 25, 2011

Ochoco West Water and Sanitary Authority  
5488 NW Prine Rd.  
Prineville, Oregon 97754

Reference: Application R-83817, Permit R-12591 - Application S-50255, Permit S-42780,  
Application S-49681, Permit S-42778 - Application G-12648, Permit G-12739

Regarding Application R-83817, Permit R-12591 the assignment from Ochoco West Water and Sewer Districts to Ochoco West Water and Sanitary Authority has been recorded in the records of the Water Resources Department.

Regarding Application S-50255, Permit S-42780 - Application S-49681, Permit S-42778 - Application G-12648, Permit G-12739, the assignments from Ochoco West Water District to Ochoco West Water and Sanitary Authority have been recorded in the records of the Water Resources Department.

Our records have been changed accordingly and the original request is enclosed. Receipt number 102723 covering the recording fee of \$300 is also enclosed.

Sincerely,

Jerry Sauter  
Water Rights Program Analyst  
Water Right Services Division

Enclosure: Receipt 102723

cc: Watermaster 11  
Data Center, OWRD (Complete Copy of Assignment Request)  
Hydrographics  
File



# PUMP TIME

MAX INSTANTANEOUS  $Q$  BASED ON 15.0 KW DRAW ON 20 HP MOTOR

$$\text{GAL/YEAR (FROM METER RECORDS)} = \frac{21,513,000}{365} = 58,940 \text{ GAL/DAY (AVG.)}$$

$$\text{KW HR/YR (FROM PP&L)} = \frac{1754 \text{ KW (12 MOS)}}{12} = 146.2 \text{ KW HRS/DAY (AVG.)}$$

$$\frac{146.2 \text{ KW HRS/DAY AVG}}{15.0 \text{ KW (DRAW)}} = 9.74 \text{ HRS/DAY PUMP TIME (AVG.)}$$

MAX  $Q$  (INSTANTANEOUS)

$$\frac{21,513,000 \text{ GAL/YEAR}}{365} = \frac{58,940 \text{ GAL/DAY}}{9.74 \text{ HRS/PUMP TIME}} = 6051.3 \text{ GAL/HR}$$

$$\frac{6051.3 \text{ GAL/HR}}{60} = 100.86 \text{ G.P.M.}$$

$$\frac{100.86 \text{ GPM}}{60} = 1.68 \text{ GAL/SEC}$$

$$\frac{1.68 \text{ GAL/SEC}}{7.5} = 0.224 \text{ CFS}$$

PERMIT # 42778 (PRIMARY RIGHT) 2 SPRINGS 33% MAX  $Q$

$$0.224 \times 0.33 = 0.074 \text{ CFS}$$

PERMIT # 42780 (SUPPLEMENTAL) 3 SPRINGS 67% MAX  $Q$

$$0.224 \times 0.67 = 0.150 \text{ CFS}$$

$$\begin{array}{r} 0.074 \text{ CFS} \\ + 0.150 \text{ CFS} \\ \hline \end{array}$$

$$\underline{0.224 \text{ CFS TOTAL}}$$

RECEIVED

JAN 23 2009

WATER RESOURCES DEPT  
SALEM, OREGON



CR00  
482

135/15E/34

County Cook Latitude \_\_\_\_\_ Longitude \_\_\_\_\_  
Township 135 N or S, Range 13E E or W, WM.  
Section 34 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_  
Tax Lot 104 Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_  
Street Address of Well (or nearest address) \_\_\_\_\_

81 ft. below land surface. Date 5-31-92  
Artesian pressure \_\_\_\_\_ lb. per square inch. Date \_\_\_\_\_

Depth at which water was first found

From	To	Estimated Flow Rate	SWL
216	226	50	80
368	380	350	80

[illegible]

Date started 5-12-92 Completed 5-31-92

(unbonded) Water Well Constructor Certification:

I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to my best knowledge and belief.

Signed \_\_\_\_\_ WWC Number \_\_\_\_\_  
Date 10/1/01

(bonded) Water Well Constructor Certification:

I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.

Signed Dan H. Mader WWC Number 584  
Date \_\_\_\_\_

COPY - CONSTRUCTOR      THIRD COPY - CUSTOMER      ORDER #

Temperature of water 54° Depth Artesian Flow Found \_\_\_\_\_  
 Was a water analysis done? ☐ Yes By whom \_\_\_\_\_  
 Did any strata contain water not suitable for intended use? ☐ Too little  
☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other \_\_\_\_\_  
 Depth of strata: \_\_\_\_\_



## Meter Reading History

Meter # 86202525

Site Address: WATER SYSTEM PUMP PRINEVILLE OR 97754

Billing Month	Read Date	Read Type	Cycle	Status	Source (*)	Condition Codes	Days	Daily KWH	KWH	KWH Usage	KW	KW Usage	ON KWH	ON KWH Usage	OFF KWH	OFF KWH Usage	Invoice
9	09/23/2008		16		I	VR	33	186	67255	6149	1907	19	0	0	0	0	\$451.33
8	08/21/2008		16		I	VR	30	244	61106	7314	1852	19	0	0	0	0	\$520.89
7	07/22/2008		16		I	VR	33	255	53792	8408	1834	18	0	0	0	0	\$582.34
6	06/19/2008		16		I		31	153	45384	4747	1912	19	0	0	0	0	\$363.83
5	05/19/2008		16		I		28	146	40637	4084	1986	20	0	0	0	0	\$323.50
4	04/21/2008		16		I		31	108	36553	3347	2072	21	0	0	0	0	\$285.02
3	03/21/2008		16		I		30	116	33206	3490	2159	22	0	0	0	0	\$297.20
2	02/20/2008		16		I	VR	28	149	29716	4169	2238	22	0	0	0	0	\$336.29
1	01/23/2008		16		I		28	113	25547	3160	2180	22	0	0	0	0	\$274.94
12	12/26/2007		16		I	VR	35	106	22387	3718	2149	21	0	0	0	0	\$295.54
11	11/21/2007		16		I		32	86	18669	2756	2090	21	0	0	0	0	\$239.63
10	10/20/2007		16		I		26	92	15913	2401	1917	19	0	0	0	0	\$208.07

**Comments:**

**Sources:**

A=Adjustment, C=Customer, F=Field Read, I=Iron Read (regular), M=Manual (regular), O=Office Estimate, P=Postcard, S=System Estimate

CALLED ALAN AT P.F. & L.O.  
 HE QUOTED MONTHLY  
 AVG. PER YEAR IS 4,424  
 KWH  $\div$  30 DAYS IS 147 KWH  
 PER DAY.

$$460,165 \text{ KWh} \div 12 = 37,514 \text{ PER MO}$$

$$1254 \div 12 = 104.5 \text{ PER MO}$$

WATER RESOURCES DEPT  
SALEM, OREGON

JAN 23 2009

RECEIVED

4178, 85 ÷ 12 = 3483.25 Per hour



Application No. 6-12648

RECEIVED

SEP -4 1991

WATER RESOURCES DEPT.  
SALEM, OREGON

State of Oregon  
WATER RESOURCES DEPARTMENT

## Application for a Permit to Appropriate Ground Water

Applicant(s) OCHOCO WEST WATER DISTRICT  
(Please print or type - use dark ink)

Mailing Address: 9513 Jordan Rd.  
Prineville Oregon 97754 (503)447-4177 Ext. 71  
City State Zip (503)447-5612  
Daytime Phone No.

I (We) make application for a permit to appropriate the following described ground waters of the State of Oregon:

1. **THE DEVELOPMENT** (number of wells, tile lines, infiltration galleries, etc.)

One well.

If development is less than one mile from a natural stream, give the following:

Distance from development to stream: 1200 feet

Elevation difference between streambed and development: 40 feet

NOTE: Wells must be constructed according to standards set by the department for the construction and maintenance of water wells. If the well is already constructed, please enclose a copy of the well driller's log with this application, and skip to Section 2 below.

Diameter of well: 8" Depth in feet: 400 feet

Type and size of well casing: 8" welded steel, .25Ga No. of feet: 300ft

Estimated depth to water: 300 ft

Type of access port or measuring device through sanitary seal

Wells to be drilled by: Archie F

Address: P O Box 754

If the water well is flowing artesian conservation works:

2. **TOTAL AMOUNT OF WATER** to be applied to beneficial use: 260 cubic feet per second, OR 260 gallons per minute. If water is to be used from more than one ground water source, give the quantity of water from each:



RECEIVED

SEP -4 1991

WATER RESOURCES DEPT  
SALEM, OREGON

Application No. B-12648

State of Oregon  
WATER RESOURCES DEPARTMENT

**Application for a Permit to Appropriate Ground Water**

Applicant(s) OCHOCO WEST WATER DISTRICT  
(Please print or type - use dark ink)

Mailing Address: 9513 Jordan Rd.  
Prineville Oregon 97754 (503)447-4177 Ext. 71  
City State Zip (503)447-5612  
Daytime Phone No.

I (We) make application for a permit to appropriate the following described ground waters of the State of Oregon:

1. **THE DEVELOPMENT** (number of wells, tile lines, infiltration galleries, etc.):  
One well.

If development is less than one mile from a natural stream, give the following:

Distance from development to stream: 1200 feet  
Elevation difference between streambed and development: 40 feet

NOTE: Wells must be constructed according to standards set by the department for the construction and maintenance of water wells. If the well is already constructed, please enclose a copy of the well driller's log with this application, and skip to Section 2 below.

Diameter of well: 8" Depth in feet: 400 feet  
Type and size of well casing: 8" welded steel, .25Ga No. of feet: 300ft  
Estimated depth to water: 300 ft  
Type of access port or measuring device: airline through sanitary seal  
Wells to be drilled by: Archie Fox Well Drilling  
Address: P O Box 246, Prineville, Or. 97754

If the water well is flowing artesian, describe your water control and conservation works:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. **TOTAL AMOUNT OF WATER** to be applied to beneficial use: \_\_\_\_\_ cubic feet per second, OR 260 gallons per minute. If water is to be used from more than one ground water source, give the quantity of water from each: \_\_\_\_\_



3. **INTENDED USE(s) OF WATER:** \_\_\_\_\_

If for more than one use, give the quantity of water from each source for each use; \_\_\_\_\_

If for **DOMESTIC** use, state the number of households to be supplied; \_\_\_\_\_

If for **MUNICIPAL OR QUASI-MUNICIPAL** use, state the present population to be served, and an estimate of the future requirements; (List population projections, water needs, anticipated areas to be provided water.)

36 fulltime residences, 22 seasonal residences, 194 future residences.

Water use = 1 gpm per residence includes up to 1/2 acre lawn/garden, fire protection, etc.

If for **MINING** use, state the nature (gold, silver, etc.) of the mines to be served; \_\_\_\_\_

If for **IRRIGATION**, or other land area use, state the **TOTAL** number of acres to be developed under each use;

Irrigation \_\_\_\_\_

Other (describe) \_\_\_\_\_

4. **DESCRIPTION OF WATER DELIVERY SYSTEM:** Include dimensions and type of construction of diversion works, length and dimensions of supply ditches or pipelines, size and type of pump and motor. If for irrigation, describe the type of system (i.e., flood, wheel line, hand line, drip, other).

The water distribution system consists of: 2 20 H.P. submersible pumps, one 60,000 gallon storage tank, one 12,000 gallon concrete cistern, 3300 l.f. of 8" waterline, 6500 l.f. of 6" waterline, 3100 l.f. of 4" waterline and 1100 l.f. of 2" waterline.

Group  
Domestic  
Expanded  
for 252  
Families

5. **PROJECT SCHEDULE:** (List months)

Proposed date construction work will begin 7/91

Proposed date construction work will be completed 7/92

Proposed date water use will be completed 7/94

**NOTE:** A map prepared by a Certified Water Right Examiner (CWRE) and a complete legal description of the subject property are required under ORS 537.140 and OAR 690 as a part of your application. The legal description may be copied from your deed, title insurance policy, or land sales contract.



3. **INTENDED USE(s) OF WATER:** \_\_\_\_\_

If for more than one use, give the quantity of water from each source for each use; \_\_\_\_\_

If for **DOMESTIC** use, state the number of households to be supplied; \_\_\_\_\_

If for **MUNICIPAL OR QUASI-MUNICIPAL** use, state the present population to be served, and an estimate of the future requirements; (List population projections, water needs, anticipated areas to be provided water.)

36 fulltime residences, 22 seasonal residences, 194 future residences. \_\_\_\_\_

\_\_\_\_\_ Water use = 1 gpm per residence includes up to 1/2 acre lawn/garden, fire protection, etc.

If for **MINING** use, state the nature (gold, silver, etc.) of the mines to be served; \_\_\_\_\_

If for **IRRIGATION**, or other land area use, state the **TOTAL** number of acres to be developed under each use;

Irrigation \_\_\_\_\_

Other (describe) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

4. **DESCRIPTION OF WATER DELIVERY SYSTEM:** Include dimensions and type of construction of diversion works, length and dimensions of supply ditches or pipelines, size and type of pump and motor. If for irrigation, describe the type of system (i.e., flood, wheel line, hand line, drip, other).

The water distribution system consists of: 2 20 H.P. submersible pumps, one 60,000 gallon storage tank, one 12,000 gallon concrete cistern, 3300 l.f. of 8" waterline, 6500 l.f. of 6" waterline, 3100 l.f. of 4" waterline, and 4100 l.f. of 2" waterline.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. **PROJECT SCHEDULE:** (List month and year)

Proposed date construction work will begin 7/91

Proposed date construction work will be completed 7/92

Proposed date water use will be completed 7/94

**NOTE:** A map prepared by a Certified Water Right Examiner (CWRE) and a complete legal description of the subject property are required under ORS 537.140 and OAR 690 as a part of your application. The legal description may be copied from your deed, title insurance policy, or land sales contract.



6. a) In the event any deficiencies are noted involving the application map enclosed herein, please return the map with instructions for correction to (check one):

       Applicant        X   CWRE             Other (Identify in REMARKS section)

b) In the event any deficiencies are noted involving the application, please return the application with instructions for correction to (check one):

       Applicant        X   CWRE             Other (Identify in REMARKS section)

7. Are all lands involved (including the proposed diversion site, place of use, and access for conveying the water) under your ownership?   YES  . If not, list in the REMARKS section below, or on an attached sheet, the names and mailing addresses of the legal owners of all property involved in the proposed development.

NOTE: Prior to receiving a certificate of water right, the permit holder must submit to the Water Resources Department the results of a pump test meeting the department's standards. The Director will require water level or pump test results every ten years thereafter.

REMARKS:   This application is for a well to supplement springs  
  (Permit No.'s 42778 and 42780) that are currently not  
  producing enough water to meet the Ochoco West Water System  
  requirements.

49681  
50255

NOTE: The permit, when issued, is for the beneficial use of water without waste. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible the land use you propose may not be allowed if it is not in keeping with the goals and acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

Melinda Bean  
Signature of Applicant

Aug 13, 1991  
Date

Maria T. Smith  
Signature of Co-Applicant, if any

Aug 13, 1991  
Date

-----  
FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

I certify that I have examined the foregoing application, together with the accompanying information, and am returning it to you for:

\_\_\_\_\_

\_\_\_\_\_

In order to retain its tentative priority, this application must be returned with the requested corrections or additions on or before:

\_\_\_\_\_, 19\_\_\_\_.

WITNESS my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Water Resources Director

By: \_\_\_\_\_

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 4th day of September, 1991, at 8:00 o'clock, A. M.

APPLICATION NO: G-12648



Water Resources Department

MEMO

December 15, 1995

TO Application G- 12648

FROM GW: K. Lite  
(Reviewer's Name)

SUBJECT Scenic Waterway Interference Evaluation

☒ Yes  
☐ No

The source of appropriation is within or above a Scenic Waterway.

☒ Yes  
☐ No

Use the Scenic Waterway condition (Condition 7J).

PREPONDERANCE OF EVIDENCE FINDING: (Check box only if statement is true)



At this time the Department is unable to find that there is a preponderance of evidence that the proposed use of ground water will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife.

FLOW REDUCTION: (To be filled out only if Preponderance of Evidence box is not checked)

Exercise of this permit is calculated to reduce monthly flows in \_\_\_\_\_ Scenic Waterway by the following amounts expressed as a proportion of the consumptive use by which surface water flow is reduced.

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec

G 12648

Water Right Conditions  
Tracking Slip

Groundwater/Hydrology Section

FILE ## G-12648

ROUTED TO: Bill Fujii

TOWNSHIP/

RANGE-SECTION: 13s/15e 27

CONDITIONS ATTACHED? ☒ yes ☐ no

REMARKS OR FURTHER INSTRUCTIONS:

Original Div 9 review

recommended condition 4A,

this should be changed to

7B  
Reviewer: K. Lite

Also, note scenic waterway  
condition 7J.



Water Rights Section

9/24, 1991

Groundwater/Hydrology Section

Meyer  
Reviewer's Name

SUBJECT: Application G- 12648

Well log: Croo 482

PER THE Deschutes Basin rules, one or more of the proposed POA's is within \_\_\_\_\_ mile of a surface water source and taps a groundwater source hydraulically connected to the surface water.

P/A

BASED UPON OAR 690-09 currently in effect, I have determined that the proposed groundwater use

- a. \_\_\_\_\_ will, or } have the potential for substantial interference with the nearest surface water  
b. \_\_\_\_\_ will not } source, namely unnamed trib. to Lytle Creek; or  
c. ☒ will, if properly conditioned, adequately protect the surface water from interference:  
i. \_\_\_\_\_ The permit should contain condition #(s) 4A; 7B  
ii. \_\_\_\_\_ The permit should contain special condition(s) as indicated in "Remarks" below;  
iii. \_\_\_\_\_ The permit should be conditioned as indicated in item 4 below; or  
d. \_\_\_\_\_ will, with well reconstruction, adequately protect the surface water from substantial interference.

BASED UPON available data, I have determined that groundwater for the proposed use

- a. \_\_\_\_\_ will, or }  
b. \_\_\_\_\_ will not } likely be available in the amounts requested without injury to prior rights; or  
c. \_\_\_\_\_ can, if properly conditioned, avoid injury to existing rights or to the groundwater resource;  
i. \_\_\_\_\_ The permit should contain condition #(s) \_\_\_\_\_;  
ii. \_\_\_\_\_ The permit should contain special condition(s) as indicated in "Remarks" below;  
iii. \_\_\_\_\_ The permit should be conditioned as indicated in item 4 below.

- a. \_\_\_\_\_ THE PERMIT should allow groundwater production from no deeper than \_\_\_\_\_ ft. below land surface;  
b. \_\_\_\_\_ The permit should allow groundwater production from no shallower than \_\_\_\_\_ ft. below land surface;  
c. \_\_\_\_\_ The permit should allow groundwater production only from the \_\_\_\_\_ groundwater reservoir between approximately \_\_\_\_\_ ft. and \_\_\_\_\_ ft. below land surface;  
d. \_\_\_\_\_ Well reconstruction is necessary to accomplish one or more of the above conditions.  
e. \_\_\_\_\_ One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS:

6-12648



STATE OF OREGON  
WATER RESOURCES DEPARTMENT

INTEROFFICE MEMO

TO: FILE G-12

DATE: 9/24 -91

FROM: SARAH C MEYER

SUBJECT: SURFACE/GROUND WATER CONSIDERATIONS

The applicant seeks 260 gpm from a well for group domestic expanded for 252 families  
in Lytle Creek Basin  
Per Division 9

FACTS

The well locations and aquifer display the following: 1200' :  $\Delta = 40'$

- 1) The well is located 400' from unnamed trib to Lytle Creek
- 2) The well is 400' deep and develops water from \_\_\_\_\_ layers.  
The well log is in the file. Cased to 300 ft.  
DTal = 300'
- 3) The static water level for the well from the log was \_\_\_\_\_ feet on \_\_\_\_\_
- 4) The approximate elevation at the well is 3290' feet. } 90'
- 5) The nearby stream reach elevation is about 3200 feet.
- 6) Deschutes Basin Report describes groundwater conditions in the area of the application.
- 7) A pump test on the well produced \_\_\_\_\_ gpm with \_\_\_\_\_ feet of drawdown after \_\_\_\_\_ hours.

CONCLUSIONS

- 1) The head at the well is about \_\_\_\_\_', indicating a \_\_\_\_\_ standing than the nearby stream reach.
- 2) The well develops water from \_\_\_\_\_
- 3) Based on requested rate, heads, distances, general geologic environment and logged materials, I conclude that the alluvial aquifer is confined, hydraulically connected to the above mentioned river and \_\_\_\_\_ the potential to cause substantial interference.

no well log

CROOK COUNTY  
T13S/R15E Sec 27



# Water Right Conditions Tracking Slip

Groundwater/Hydrology Section

FILE ## G-12648

ROUTED TO: Bill Fujii

TOWNSHIP/

RANGE-SECTION: 13s/15e 27

CONDITIONS ATTACHED? ☒ yes ☐ no

REMARKS OR FURTHER INSTRUCTIONS:

Original Div 9 review  
recommended condition 4A,  
this should be changed to  
7B  
Reviewer: K. Lite

Also, note scenic waterway  
condition 7J.





September 6, 1994

WATER  
RESOURCES  
DEPARTMENT

OCHOCO WEST WATER DISTRICT  
9513 JORDAN RD  
PRINEVILLE, OR 97754

Reference: File G 12648

Hello:

This letter informs you of the current status of your application for a water use permit and accompanies the Satisfactory Report of Technical Review For Water Use Permit(s). We apologize for the delay in transmitting this information and Report to you and for any inconvenience the wait may have caused you.

The enclosed Report of Technical Review is the Department's summary of a specialized analysis of various legal and scientific aspects of your application and proposed water use. We are required by the state of Oregon's administrative rules (in OAR 690-11-160) to conduct this official technical review of each application submitted to the Oregon Water Resources Department for a water use permit. This process was designed to insure that your application receives a fair evaluation and to secure protection of existing water rights and of the public at large.

AS THE RESULT OF OUR TECHNICAL EVALUATION, WE HAVE DETERMINED THAT YOUR APPLICATION SATISFIES THE REQUIREMENTS OF THE TECHNICAL REVIEW.

The Department will now move your application to the next phase of processing. This phase includes a public interest review of your proposed water use. No final action may be taken on your application until the public interest review is completed.

You should also note that the Report of Technical Review describes conditions currently anticipated which may limit the water use proposed in your application.

If you wish to object to any of the analyses contained in the Report, you must submit your objection to the Department in writing within 60 days of the date of mailing of this Report or by the date specified below. Your objection must allege that the technical review is defective and you may also submit evidence which demonstrates that your proposed water use will not impair or be detrimental to the public interest.

Copies of the Report of Technical Review will be distributed to all persons who have filed comments or otherwise expressed an interest in the water use proposed in your application. Interested parties must also submit their objections within the prescribed objection period. Those objections must allege that the technical review is defective and/or that the proposed water use may impair or be detrimental to the public interest.



Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130



If an objection contains allegations that the technical review is defective, it must be accompanied by facts which support such allegations. If an objection contains allegations that the proposed water use may impair or be detrimental to the public interest, the objection must specify the particular public interest standards which apply as set out in Oregon Revised Statutes (ORS 537.170(5)) and Oregon Administrative Rules (OAR 690-11-195) and state facts showing how such standards would be violated.

All evidence and objections must be received by our Salem office no later than 5:00 p.m. on or before NOVEMBER 16, 1994 or the Department may presume there is no opposition to any of the analyses set out in the technical review report. Evidence and objections must be addressed and delivered to: Oregon Water Resources Department, Water Rights Section, 158 12th Street Northeast, Salem, Oregon 97310.

If objections and evidence are submitted on or before the above time and date, the Director of the Water Resources Department will evaluate each issue raised in the objections and either accept or deny them. Objectors are encouraged to indicate whether they would be interested in resolving their concerns through alternative dispute resolution.

If any of the objections are denied, the objector will be allowed thirty days to submit a protest to the denial. The protest must meet the standards set forth in OAR 690-02-030 through 080.

If you have any questions, please feel free to telephone me or any of the Department's Water Rights Section staff. My telephone number is 378-3739, in Salem, or you may call toll free from within the state to 1-800-624-3199.

Sincerely,

A handwritten signature in cursive script, reading "Michael J. Mattick". The signature is written in dark ink and is positioned above the printed name and title.

Michael J. Mattick  
Water Rights Specialist

Enclosures



Report Date: September 6, 1994

OREGON WATER RESOURCES DEPARTMENT  
**SATISFACTORY REPORT OF TECHNICAL REVIEW**  
**FOR WATER USE PERMIT(S)**

OBJECTIONS TO THE PROPOSED WATER USE AS DESCRIBED BELOW MUST BE RECEIVED IN WRITING BY THE OREGON WATER RESOURCES DEPARTMENT, 158 12th ST N.E., SALEM, OREGON 97310, BY 5 P.M. ON OR BEFORE: NOVEMBER 16, 1994

1. APPLICATION FILE NUMBER -G 12648
2. MINIMUM APPLICATION INFORMATION

Applicant name/address/county/phone:

OCHOCO WEST WATER DISTRICT  
9513 JORDAN RD  
PRINEVILLE, OR 97754  
COUNTY OF CROOK

503-447-4177

Date application received for filing and/or tentative date of priority: 9/ 4/1991

SOURCE: A WELL IN LYTLE CREEK BASIN

Purpose and/or use: GROUP DOMESTIC EXPANDED FOR 252 FAMILIES.

Flow: 260.0 GALLONS PER MINUTE

Point of Diversion Location:

SW 1/4 SE 1/4, SECTION 27, T 13 S, R 15 E, W.M.;

Place of use:

SW 1/4 SW 1/4  
SE 1/4 SW 1/4  
SW 1/4 SE 1/4  
SECTION 27  
NW 1/4 NE 1/4  
SW 1/4 NE 1/4  
NE 1/4 NW 1/4  
NW 1/4 NW 1/4  
SW 1/4 NW 1/4  
SE 1/4 NW 1/4

SECTION 34

TOWNSHIP 13 SOUTH, RANGE 15 EAST, W.M.

## GROUNDWATER AVAILABILITY

This is an application for use of groundwater. The Groundwater/Hydrology Section report indicates that:

Pursuant to OAR 690-09-040, the proposed groundwater use, will, if properly conditioned, adequately protect the surface water from interference.

In addition, the Groundwater/Hydrology Section has reported the water is likely to be available to supply the proposed use.

## CONFLICTS WITH OTHER WATER RIGHTS:

There are no existing rights from this point of diversion.

There are existing water rights appurtenant to the lands described in the application. See proposed permit conditions.

## REPORT CONCLUSIONS:

Based on the Department's review of water availability and Oregon Administrative Rules, water in the amount of 260 gallons per minute is likely available for 12 months.

Therefore, the Director finds that water is available in sufficient amount and during periods which will reasonably support the proposed use.

THE PROPOSED WATER USE, AS CONDITIONED, SATISFIES THE REQUIREMENTS OF THIS TECHNICAL REVIEW.

This Report of Technical Review sets out the Director's technical analysis of the application. In addition to this technical analysis, the Director will evaluate this application to determine whether the proposed water use might impair or be detrimental to the public interest under the standards set out in ORS 537.170(5) and OAR 690-11-195. Matters relating to public interest in the proposed water use which are raised in objections will be evaluated following the 60-day objection period.



## PROPOSED PERMIT CONDITIONS

Application: G 12648

The following conditions will apply to water use under the permit, and will appear in the permit, if issued.

1. Use of water under this permit is subject to all prior rights.
2. Period of allowed use: year round
3. Rate of use: 260 GPM
4. Water use development requirements:
  - A. Begin construction by (one year from issuance of permit).
  - B. Complete construction by October 1, 1996.
  - C. Completely apply the water to beneficial use by October 1, 1997.
5. Measurement, recording and reporting conditions:
  - A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
  - B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
  - C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.
6. Failure to comply with any of the provisions of the permit may result in action including, but not limited

to, restrictions on the use, penalties, or cancellation of the permit.

7. The permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.
8. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.
9. The well shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times. The use of water shall be limited when it interferes with any prior surface or ground water rights.
10. Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.
9. This right is limited to any deficiency in the available supply of any prior right existing for the same land.



## TECHNICAL REVIEW CHECKLIST

1. Application: G 12648
2. Review Date: 2/6/94 NM

S indicates information was completed or adequately addressed.

U indicates information is needed, or incomplete, or inadequately addressed

N/A indicates Not Applicable

## SUMMARY

S Land Use

NA/yes/no Substantial SW interference w/GW  
(if yes, see results of surface water availability analysis)

S Conflicts

S Water Availability (GW Report)  
(Water Availability Sub-basin)

S The application, map and supporting data are complete and free of defects.

yes NA A TMDL letter has been received for this source or tributary. If yes, the period of use has been adjusted.

3. NA The applicant has certified that the information provided in the application is an accurate representation of the proposed use and is true and correct to the best of their knowledge.

4. S No oath is required because application was filed before June 5, 1992.

5. S Application fees:

Examination fee:	\$ 200
Recording fee:	\$ 100
TOTAL REQUIRED	\$ 300
TOTAL SUBMITTED	\$ 300
AMOUNT DUE prior to issuance of permit	\$ 0
AMOUNT OVERPAID	
refund due applicant	\$



6. S Proposed dates of beginning and completion of construction, and complete application of water.
7. S A satisfactory map of the proposed place of water use prepared by a certified water right examiner, unless exempt under OAR 690-14-150(3). (A CWRE map is not required for applications filed before November 9, 1987.)
8. S A written copy of the legal description of the property on which the water is to be used.
9. S A copy of written authorization, contract or easement permitting access to the land or reservoir not owned by the applicant.
10. NA No statement of ownership was required for applications filed before August, 1990.
11. S The proposed use is not restricted or prohibited by statute.
12. S The source of water is not withdrawn from appropriation by order of the State Engineer or Water Resources Commission, or legislatively withdrawn under ORS Chapter 538.
13. S Domestic use(s) is/are classified uses(s) under the Reservoir Basin Program, OAR 690 - 505-005 (1)(a)

**Land Use Compatibility:**

14. As expressed by the Planning Department of Crook Co
15. S The land uses to be served by proposed water uses (including proposed construction) are allowed or are not regulated by the local comprehensive plan (ordinance section 3-180 of Ord #18).
16. NA The land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals which have been obtained.
17. NA The local government was notified, and sent no comment pursuant to the rules at the time; land use was presumed in compliance per such statement printed on the application.

**For reservoir applications:**

18. NA Plans, specifications and supporting information for the dam and impoundment area.



Application  
G-12648

December 5, 1997

Roy Tidwell  
Ochoco West Water District  
11401 N. King Ave.  
Prineville, OR 97754

Subject: Water Right Permit # G-12739

Dear Mr. Tidwell:

As I mentioned on the phone, our records show that your organization has agreed to prepare a Water Management Plan as part of water right permit G-12739. This plan was due August 28, 1997. Enclosed is a request for extension form for you to fill out and return to us as soon as possible. I am also enclosing a Water Management Plan Workbook. This workbook was put together as part of a recent workshop we had in October. It contains very valuable information on how to prepare your plan and provides some good resources.

I am also available to assist you with plan preparation. Please do not hesitate to call me if you have any questions. I can be reached at (800)624-3199, ext. 241.

Sincerely,



Rebecca Geisen  
Senior Water Resources Coordinator

cc: Klye Gorman - Watermaster  
Darlene Castle - WRD

Enclosures



Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130



# Oregon

Theodore R. Kulongoski, Governor

APP # G-12648

## Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97301-4172  
503-378-3739  
FAX 503-378-8130

February 7, 2003

G 12739  
OCHOCO WEST WATER DISTRICT  
9513 JORDAN RD  
PRINEVILLE, OR 97754

RE: Deschutes Ground Water Mitigation Rules, Division 505  
Deschutes Basin Mitigation Bank and Mitigation Credit Rules, Division 521

Dear Water Right Permit Holder:

Our records indicate that you are the holder of a ground water permit issued by the Department after July 17, 1995, in the Deschutes Basin Ground Water Study Area (Study Area). Your permit (or subsequent certificate) was issued with a condition allowing for regulation of use if it was later determined that the use would "measurably reduce" scenic waterway flows in the Deschutes River.

As you may be aware, the Department has been working over the last several years to develop administrative rules that address the impact of ground water use in the Study Area upon surface water flows—specifically those flows designated for the Deschutes Scenic Waterway and Instream Water Rights. Recently, the Department finalized the Deschutes Ground Water Mitigation Rules and Deschutes Basin Mitigation Bank and Mitigation Credit Rules. The rules were adopted by the Water Resources Commission (WRC) on September 13, 2002, and were effective on September 27, 2002. Copies of the rules can be obtained from the Department's web page at:

<http://www.wrd.state.or.us/law/oar1999.shtml>

The primary purpose of the rules is to provide a mechanism for those with pending ground water use applications in the Study Area to mitigate for the impact of their proposed ground water use on surface water flows. The rules do not require those with existing conditioned ground water permits (or subsequent certificates) in the Study Area to mitigate for their ground water uses.

While only those requesting new ground water uses from the Department are required to provide mitigation, the rules provide an opportunity for holders of existing conditioned permits to provide mitigation. Holders of existing conditioned permits that provide mitigation will no longer be subject to future regulation for scenic waterway flows.



Department staff are presently working internally to develop the processes and structure to implement the new rules. While you are not required to mitigate for your ground water use, we will be sending you a letter, sometime within the next several months, letting you know what you would need to do if you choose to mitigate for your ground water use. You may also receive additional information updates from the Department in our effort to keep you informed.

If you have any questions about the new administrative rules for the Deschutes Basin and the mitigation opportunity described in the rules; or would like to request a copy of the new rules, please contact Laura Snedaker at (503) 378-8455, extension 331, or by e-mail at [Laura.K.Snedaker@wrld.state.or.us](mailto:Laura.K.Snedaker@wrld.state.or.us).

Sincerely,



Paul R. Cleary  
Director

c: Kyle Gorman, South Central Region Manager  
Jeremy Giffin, District 11 Watermaster  
Deschutes Steering Committee Members

Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number G-12648

Final Order

*Application History*

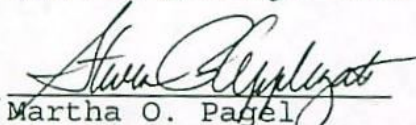
On September 4, 1991, OCHOCO WEST WATER DISTRICT submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on July 2, 1996. The protest period closed August 16, 1996, and no protest was filed.

The proposed use would not impair or be detrimental to the public interest.

Order

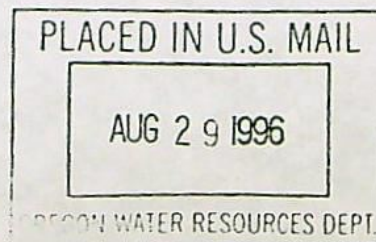
Application G-12648 therefore is approved as proposed by the Proposed Final Order, and Permit Number G-12739 is issued as limited by the conditions proposed by the Proposed Final Order.

DATED August 28, 1996

*for*   
Martha O. Pagel  
Director

*Appeal Rights*

Under the provisions of ORS 183.484, the applicant may appeal this order by filing a petition for review in the Circuit Court for Marion County or the circuit court for the county in which the applicant resides or has a principal business office. The petition for review must be filed within 60 days after the date this order is served.





STATE OF OREGON

COUNTY OF CROOK

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

OCHOCO WEST WATER DISTRICT  
9513 JORDAN RD  
PRINEVILLE, OREGON 97754

(541) 447-4177

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: G-12648

SOURCE OF WATER: A WELL IN LYTLE CREEK BASIN

PURPOSE OR USE: QUASI-MUNICIPAL

MAXIMUM RATE: 0.579 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: SEPTEMBER 4, 1991

POINT OF DIVERSION LOCATION: SW 1/4 SE 1/4, SECTION 27, T13S, R15E, W.M.; 600 FEET SOUTH AND 100 FEET WEST FROM THE C 1/4 CORNER OF SECTION 27

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 SW 1/4  
SE 1/4 SW 1/4  
SW 1/4 SE 1/4  
SECTION 27  
NW 1/4 NE 1/4  
SW 1/4 NE 1/4  
NE 1/4 NW 1/4  
NW 1/4 NW 1/4  
SW 1/4 NW 1/4  
SE 1/4 NW 1/4  
SECTION 34

TOWNSHIP 13 SOUTH, RANGE 15 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.



- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

Within one year of permit issuance, the permittee shall submit a water management and conservation plan consistent with OAR Chapter 690, Division 86.

Water for use under this permit shall not be for the production of commercial agricultural crops.

#### STANDARD CONDITIONS

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.



Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

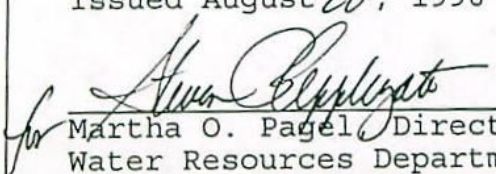
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction of the well shall begin within one year from permit issuance, and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued August 28, 1996

  
Martha O. Pagel, Director  
Water Resources Department





# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

March 18, 1998

Larry Miller  
Ochoco West  
11190 N. King Avenue  
Prineville, OR 97754

### Water Right Application # G-12648

Dear Larry:

I have received your "Request for Extension" form for your Water Management and Conservation Plan. Due to your limited staff resources and the effort you have made to date in compiling relevant information, we are extending your plan's submittal date. **Your new submittal date is now October 31, 1998.**

As I mentioned to you before, the Water Resources Department is sponsoring a workshop for small communities on how to prepare these plans. The workshop will be held at Pendleton City Hall on May 13, 1998 from 8:30 to 4:30. I will mail you registration information when it is available in early April. The cost should be around \$40, but don't quote me on that. Our goal is to keep it below \$40, as we have in the past.

Thanks again for your commitment to our program. I look forward to meeting with you again to tour your service area and provide any additional assistance you may need as you prepare your plan. I apologize again for being unable to meet with you after our Prineville meeting. Please do not hesitate to call me at (800)624-3199 ext. 241 if you have any questions.

Sincerely,

Rebecca Geisen  
Senior Water Resources Planner

cc: Kyle Gorman  
Colleen Richards



Application G-12648

COPY CHECK-OFF SHEET FOR PROPOSED FINAL ORDERS

CC: FILE # G-12648

WATERMASTER # 11

REGIONAL MANAGER: SCR

ODF&W - Crook County:

CWRE (if agent): WILLIAM R TYE

DEQ

OTHER STATE AGENCY IF NECESSARY:

DIVISION 33 LIST: COLUMBIA RIVER INTERTRIBAL FISH COMMISSION; U.S. FISH & WILDLIFE;  
(CHECK ONLY IF APPLICABLE) NORTHWEST POWER PLANNING COUNCIL & NATIONAL MARINE FISHERIES

POWER BUILDER UPDATER; FRONT COUNTER

OTHER ADDRESSES OF PEOPLE WHO PAID THE \$10 FEE:

---

---

---

---

PEOPLE WITH OBJECTIONS, COMMENTS OR REQUESTED COPY W/O \$10 (SEND THE \$10 LETTER):

~~NEED TO ATTACH LIST~~

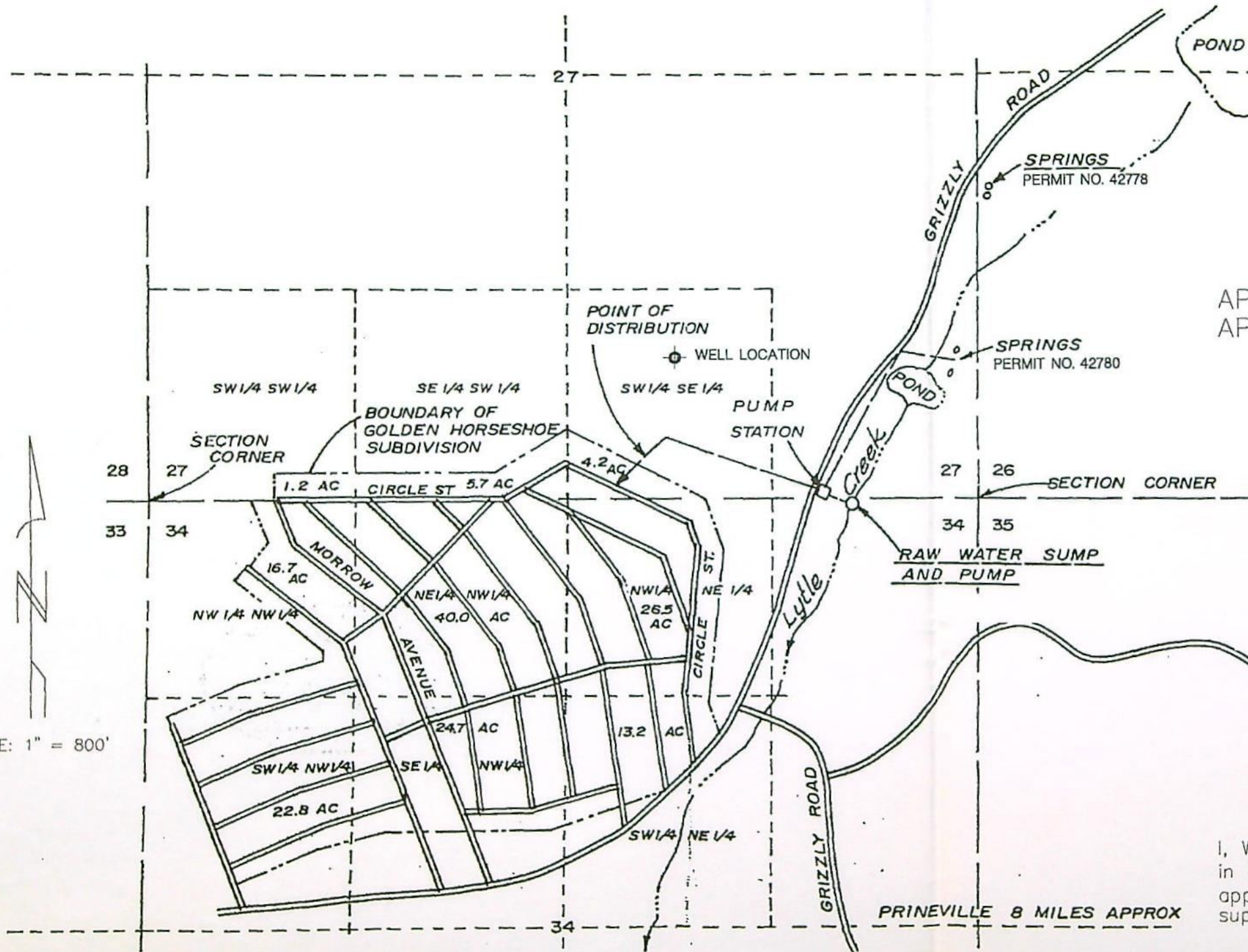
CASEWORKER : RWK



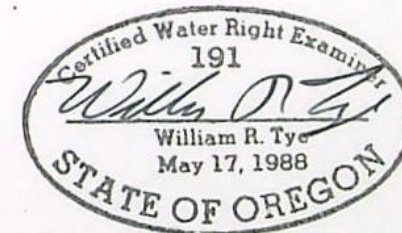
Application No. G-12648  
 Permit No. G12739

SECTIONS 27 & 34  
 T 13 S, R 15 E, W.M.  
 CROOK COUNTY, OREGON

WELL A IS LOCATED 600 FEET SOUTH AND 100 FEET  
 WEST OF THE CENTER 1/4 CORNER OF SECTION 27,  
 T 14 S, R 14 E, W.M., CROOK COUNTY, OREGON.  
 13 S 15 E



APPLICATION FOR PERMIT TO  
 APPROPRIATE GROUND WATER FOR:  
 OCHOCO WEST WATER DISTRICT  
 9513 JORDAN ROAD  
 PRINEVILLE, OR. 97754



I, William R. Tye, Certified Water Right Examiner  
 in the State of Oregon, hereby certify the above  
 application map was prepared under my direct  
 supervision.

The preparation of this map is for the purpose  
 of identifying the location of the water right only  
 and has no intent to provide dimensions or locations  
 of property ownership lines.

**TYE ENGINEERING, INC.**

112 NW GREELEY AVENUE, BEND, OREGON 97701 (503) 389-6959

APPLICATION FOR PERMIT TO  
 APPROPRIATE GROUND WATER FOR:  
 OCHOCO WEST WATER DISTRICT  
 9513 JORDAN ROAD  
 PRINEVILLE, OR. 97754

SCALE: 1" = 800' DATE: 07 AUG 1991 DRAWN: HLL JOB #: 165-22

SCALE: 1" = 800'

RECEIVED

SEP-4 1991



FILE # G-12648**FO CHECKLIST**REVIEW DATE: 8/29/96WEEK # 49

PFO TO FO CONVERSION

INITIALS : JWG

In preparing the FO, you should check the following:

1. Y / ☒ N Were comments or protests received in response to the PFO?
2. ☐ If #1 = "Y", from whom were the comments received and when?
3. ☒ Verify names and addresses on the PFO CC list. **ALL** commentators (regardless of comment date), **affected landowners (were they notified?)**, and those who paid the \$10 fee should be listed.
4. ☒ Verify payment of recording fees (circle the appropriate option)  
(1) ☒ Issue FO w/permit if fees are paid -- Prepare refund request for excess fees, including standing fees if no protest is filed and no modifications are being made to the PFO  
(2) ☐ Issue FO w/o permit if fees are lacking
5. Y / ☒ N Is the file lacking a signed oath of accuracy for the application?
6. Y / ☒ N Has ODFW asked for self certification on screening condition?
7. Y / ☒ N Is water use prohibited for one or more months of the normal use period?
8. Y / N If # 7 = "Y", is short season letter on file? Note: If short season letter is lacking prepare FO with Draft permit giving applicant 60 days to submit letter.
9. ☒ Y / N Is further processing possible? If not state reason: \_\_\_\_\_
10. ☐ Notify applicant of additional information or fees required prior to permit issuance (**SEND CERTIFIED LETTER** & use standard wording from M:\T\FO\TOOLS if possible)
11. ☐ Assign permit numbers to files with oath, fees, and no protests or other issues

DENIAL FO w/o PERMIT  
LARRY JERRYRoute to: (circle one)  
☒ FO & PERMIT  
JEREMYCOMMENTS  
DOUG

7B/7J

Initials JWG

Modify FO as needed to:

12. ☒ Respond to significant comments, issues, or disputes related to the proposed use of water (see notes, if any, listed above)
13. ☐ Include or exclude permit conditions and management codes
14. ☐ Correct PFO errors (such as POD or POU location (verify from map), Permit format)

Once FO document is completed:

15. ☒ Save WordPerfect document in M:\T\FO\WEEK 49 & delete duplicates
16. ☐ Print final draft of document and submit to team leader for review
17. ☒ Y / N Team leader review completed



Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number G-12648

Proposed Final Order

*Summary of Recommendation:* The Department recommends that the attached draft permit be issued with conditions.

*Application History*

On September 4, 1991, OCHOCO WEST WATER DISTRICT submitted an application to the Department for the following water use permit:

- Amount of Water: 260.0 GALLONS PER MINUTE (0.579 CFS)
- Use of Water: QUASI-MUNICIPAL
- Source of Water: A WELL IN LYTLE CREEK BASIN
- Area of Proposed Use: Crook County within  
SECTION 27  
SECTION 34  
TOWNSHIP 13 SOUTH, RANGE 15 EAST, W.M.

The Department mailed the applicant notice of its Technical Review September 6, 1994, determining that group domestic expanded for 252 families was allowed year round. The 60-day objection period closed November 16, 1994.

Within the 60-day period, objections were received from WATER WATCH.

In reviewing applications, the Department may consider any relevant sources of information, including the following:

- comments by or consultation with another state agency
- any applicable basin program
- any applicable comprehensive plan or zoning ordinance
- the amount of water available
- the rate and duty for the proposed use
- pending senior applications and existing water rights of record
- designations of any critical groundwater areas
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any general basin-wide standard for flow rate and duty of water allowed
- the need for a flow rate and duty higher than the general standard
- any comments received



*Findings of Fact*

The Deschutes Basin Program allows the following uses: QUASI-MUNICIPAL Senior water rights exist on A WELL IN LYTLE CREEK or on downstream waters.

A WELL IN LYTLE CREEK BASIN is above a State Scenic Waterway.

Water is available for further appropriation (at 80 percent exceedance probability) for the period year round.

The Department finds that no more than 0.579 CFS would be necessary for the proposed use. The amount of water requested, 0.579, is allowable.

The Department determined, based upon OAR 690-09, that the proposed groundwater use will, if properly conditioned, adequately protect the surface water from interference.

Based on further evaluation, the Department has determined that:

The use applied for was quasi-municipal not group domestic for 252 families. The determinations of the technical review will be modified to allow quasi-municipal.

An additional condition on the proposed water use is necessary. The condition, as further described on the attached draft permit, will not allow the use of water under this permit for commercial agricultural products.

The Groundwater Section finds that there is NOT a preponderance of evidence that the proposed use of groundwater will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife.

The Department has further determined that, to protect the resource, additional conditions on the proposed water use is necessary. The conditions, as further described on the attached draft permit, would require a water management and conservation plan consistent with OAR Chapter 690, Division 86 within one year of permit issuance, and that the use may be regulated if analysis of data available after the permit or certificate is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.



*Conclusions of Law*

Under the provisions of ORS 537.621, the Department must presume that a proposed use will ensure the preservation of the public welfare, safety and health if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

The proposed use requested in this application is allowed in the Deschutes Basin Plan.

No preference for this use is granted under the provisions of ORS 536.310(12).

Water is available for the proposed use.

The proposed use will not injure other water rights.

The proposed use complies with rules of the Water Resources Commission.

The proposed use complies with the State Agency Agreement for land use.

For these reasons, the required presumption has been established.

Under the provisions of ORS 537.621, once the presumption has been established, it may be overcome by a preponderance of evidence that either:

- (a) One or more of the criteria for establishing the presumption are not satisfied; or
- (b) The proposed use would not ensure the preservation of the public welfare, safety and health as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
  - (A) The specific aspect of the public welfare, safety and health under ORS 537.525 that would be impaired or detrimentally affected; and
  - (B) Specifically how the identified aspect of the public welfare, safety and health under ORS 537.525 would be impaired or be adversely affected.

In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use would impair or be detrimental to the public interest.

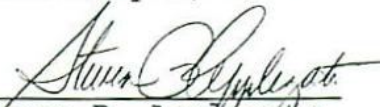
The Department therefore concludes that water is available in the amount necessary for the proposed use; the proposed use will not result in injury to existing water rights; and the proposed use would ensure the preservation of the public welfare, safety and health as described in ORS 537.525.



Recommendation

The Department recommends that the attached draft permit be issued with conditions.

DATED July 2, 1996

  
Steven P. Applegate  
Administrator  
Water Rights and Adjudications Division

Protest Rights

Under the provisions of ORS 537.621(7), you have the right to submit a protest against this proposed final order. Your protest must be in writing, and must include the following:

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known; and
- If you are not the applicant, the \$200 protest fee required by ORS 536.050.
- If you are the applicant, a statement of whether or not you are requesting that a contested case hearing be held. If you do not request a hearing, the Department will presume that you do not wish for a hearing to be held.

Your protest must be received in the Water Resources Department no later than August 16, 1996.

After the protest period has ended, the Director will either issue a final order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been submitted and if

- upon review of the issues the director finds that there are significant disputes related to the proposed use of water, or
- the applicant requests a contested case hearing within 30 days after the close of the protest period.

RWK

DRAFT

This is not a permit!!!  
STATE OF OREGON

DRAFT

COUNTY OF CROOK

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

OCHOCO WEST WATER DISTRICT  
9513 JORDAN RD  
PRINEVILLE, OREGON 97754

( 503)447-4177

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: G-12648

SOURCE OF WATER: A WELL IN LYTLE CREEK BASIN within the Deschutes basin

PURPOSE OR USE: QUASI-MUNICIPAL

MAXIMUM RATE: 0.579 CFS

PERIOD OF USE: YEAR ROUND

DATE OF PRIORITY: September 4, 1991

POINT OF DIVERSION LOCATION: SW 1/4 SE 1/4, SECTION 27, T 13 S, R 15 E, W.M.; 600 FEET SOUTH AND 100 FEET WEST FROM THE CENTER 1/4 CORNER SECTION 27

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 SW 1/4

SE 1/4 SW 1/4

SW 1/4 SE 1/4

SECTION 27

NW 1/4 NE 1/4

SW 1/4 NE 1/4

NE 1/4 NW 1/4

NW 1/4 NW 1/4

SW 1/4 NW 1/4

SE 1/4 NW 1/4

SECTION 34

TOWNSHIP 13 SOUTH, RANGE 15 EAST, W.M.



Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of the right or as those quantities may be subsequently reduced.

Within 1 year of permit issuance, the permittee shall submit a water management and conservation plan consistent with OAR Chapter 690, Division 86.

Water for use under this permit shall not be for the production of commercial agricultural crops.

STANDARD CONDITIONS

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.



The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction of the well shall begin within one year from permit issuance, and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued \_\_\_\_\_, 199\_

DRAFT - THIS IS NOT A PERMIT

Water Resources Department  
Director



# PFO MUNI & Q-MUNI CHECKLIST

Application #: C-12648 Vol 2A Subbasin Little Creek & Misc

Basin: 5

WAB: \_\_\_\_\_

Township 13S Range 15E Section 27 1/4 1/4 SW SE

OVER →

- ☒ 1. Completeness checklist verified? Y / N
  - ☒ a. Form M Y / N
  - ☒ b. \$ for public notice Y / N Proj population \_\_\_\_\_ Proj peak flow \_\_\_\_\_
- ☒ 2. Indicators that the process should not continue (ie - protest, items missing, letter to file indicating hold, other) Y / N
- ☒ 3. Groundwater review A B C D
  - ☒ a. Is second groundwater review necessary? Y / N reason \_\_\_\_\_
  - ☒ b. Is the well located in a groundwater limited area? Y / N
- ☒ 4. SWW Y / N Triage Y / N conditions/restrictions Y / N
- ☒ 5. Basin Program limitations? Y / N Not Completed
- ☒ 6. Withdrawn? Y / N season allowed \_\_\_\_\_
- ☒ 7. Basin Maps have been checked. Y / N The River Mile is \_\_\_\_\_
- ☒ 8. Water Availability (50% < July 17, 1992 OR 80% [50% storage] > July 17, 1992) NA
  - a. Notify Ken Stahr Y / N (Q, Duty, or Season) \_\_\_\_\_
- ☒ 9. Rate/Duty/Season 0.579
- ☒ 10. Use Q Muni Period of Allowed Use 1/2 Rnd
- ☒ 11. Priority Date(s) 9/4/91 TR / IR mail date 9/6/94 (11/16/94)
- ☒ 12. B.O.R. project Y / N contract # \_\_\_\_\_
- ☒ 13. TMDL Basin? Y / N (Tualatin, Yamhill, Pudding) DIVISION 33 Y / N (Abv Bonn > July 17, 92 //// Blw Bonn > April 18, 94 or June 3, 94)
- ☒ 14. Objections? Y / N WW PFO different from IR/TR Y / N
- ☒ 15. Conditions (from IR/TR/ or Additional) Y / N (macro series 4 - 7) 7B, 7J
  - ☒ a. Conplan Y / N YR
- ☒ 16. Land use approval OK'd needs approval county notified NA
- ☒ 17. SIZE Small ( $\leq 0.1$  cfs,  $\leq 9.2$  AF), Medium ( $> 0.1$  or  $< 1.5$  cfs,  $> 9.2$  or  $< 100$  AF) Large ( $\geq 1.5$  cfs,  $\geq 100$  AF)?
- ☒ 18. Watermaster Dist: (1 2 16 18 - NWR) (3 4 5 - NCR) (6 8 9 10 - ER) (11) 12 17 - SCR (14 15 19 - SWR)

1a, 1b,

TR WAS FOR GROUP DOM APPEARS TO HAVE APPROVED FOR QM

Marty - Chandra West 541-447-5612

Name: Ruck

Date: 5/14/96

save to m:\t\pfo\done\week#\app#.w51

SU SW

NW NE

SE SW

SW NE

SW SE

NE NW

27

NW NW

SW NW

SE NW

34



ELL CONSTRUCTION (If more than one well doesn't meet standards, attach an additional sheet.)

THE WELL which is the point of appropriation for this application does not meet current well construction standards based upon:

- a. ☐ review of the well log;
- b. ☐ field inspection by \_\_\_\_\_;
- c. ☐ report of CWRE \_\_\_\_\_;
- d. ☐ other: (specify) \_\_\_\_\_

THE WELL construction deficiency:

- a. ☐ constitutes a health threat under Division 200 rules;
- b. ☐ commingles water from more than one groundwater reservoir;
- c. ☐ permits the loss of artesian head;
- d. ☐ permits the de-watering of one or more groundwater reservoirs;
- e. ☐ other: (specify) \_\_\_\_\_

THE WELL construction deficiency is described as follows: \_\_\_\_\_

- THE WELL
- a. ☐ was, or ☐ was not } constructed according to the standards in effect at the time of original construction or most recent modification.
  - c. ☐ I don't know if it met standards at the time of construction.

RECOMMENDATION:

- 1. ☐ I recommend including the following condition in the permit:  
"No water may be appropriated under terms of this permit until the well(s) has been repaired to conform to current well construction standards and proof of such repair is filed with the Enforcement Section of the Water Resources Department."
- 2. ☐ I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Enforcement Section of the Water Resources Department.
- 3. ☐ REFER this review to Enforcement Section for concurrence.

**THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL**

I concur in G/H's recommendation A or B above relating to conditioning or withholding the permit.

\_\_\_\_\_, 1991.  
(Signature)

I do not concur in G/H's recommendation A or B above relating to conditioning or withholding the permit for the following reasons: \_\_\_\_\_

\_\_\_\_\_, 1991.  
(Signature)

(WRF08\91)



TO: Water Rights Section

7/24, 1991

FROM: Groundwater/Hydrology Section Meyer  
Reviewer's Name

SUBJECT: Application G- 12648

1. PER THE Deschutes Basin rules, one or more of the proposed POA's is within \_\_\_\_\_ mile of a surface water source and taps a groundwater source hydraulically connected to the surface water.

2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed groundwater use

- a. ☐ will, or } have the potential for substantial interference with the nearest surface water
- b. ☐ will not } source, namely unnamed tributary to Lytle Creek; or
- c. ☒ will, if properly conditioned, adequately protect the surface water from interference:
  - i. ☒ The permit should contain condition #(s) 4A; TB KEY 12/15/95
  - ii. ☐ The permit should contain special condition(s) as indicated in "Remarks" below;
  - iii. ☐ The permit should be conditioned as indicated in item 4 below; or
- d. ☐ will, with well reconstruction, adequately protect the surface water from substantial interference.

3. BASED UPON available data, I have determined that groundwater for the proposed use

- a. ☒ will, or }
- b. ☐ will not } likely be available in the amounts requested without injury to prior rights; or
- c. ☐ can, if properly conditioned, avoid injury to existing rights or to the groundwater resource;
  - i. ☐ The permit should contain condition #(s) \_\_\_\_\_;
  - ii. ☐ The permit should contain special condition(s) as indicated in "Remarks" below;
  - iii. ☐ The permit should be conditioned as indicated in item 4 below.

- 4. a. ☐ THE PERMIT should allow groundwater production from no deeper than \_\_\_\_\_ ft. below land surface;
- b. ☐ The permit should allow groundwater production from no shallower than \_\_\_\_\_ ft. below land surface;
- c. ☐ The permit should allow groundwater production only from the \_\_\_\_\_ groundwater reservoir between approximately \_\_\_\_\_ ft. and \_\_\_\_\_ ft. below land surface;
- d. ☐ Well reconstruction is necessary to accomplish one or more of the above conditions.
- e. ☐ One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS:



I/We certify that the information I have provided in application # G-12648 is an accurate representation of the proposed water use and is true and correct to the best of my knowledge.

<u>R. Marie Gudolf</u>	<u>Board Member</u>	<u>12/12/95</u>
Name	Title	Date
<u>[Signature]</u>	<u>BOARD OF DIR</u>	<u>12/12/95</u>
Name	Title	Date
<u>Bry Tipton</u>	<u>BOARD OF DIR</u>	<u>12-12-95</u>
Name	Title	Date
<u>MARTIN A. STEGMAU (BOARD DIR.)</u>	<u></u>	<u>12-12-95</u>
Name	Title	Date

RECEIVED

DEC 26 1995

WATER RESOURCES DEPT.  
SALEM, OREGON



STATE OF OREGON  
WATER WELL REPORT  
(as required by ORS 537.765)

(START CARD) 40742

(1) OWNER: Well Number: 617  
Name: OCHOLO WEST WEST DISTRICT  
Address: 7513 JORDON AVE.  
City: PRINEVILLE State: ORE Zip: 97744

(2) TYPE OF WORK:  
☒ New Well ☐ Deepen ☐ Recundition ☐ Abandon

(3) DRILL METHOD  
☒ Rotary Air ☐ Rotary Mud ☐ Cable  
☐ Other

(4) PROPOSED USE:  
☐ Domestic ☒ Community ☐ Industrial ☐ Irrigation  
☐ Thermal ☐ Injection ☒ Other

(5) BORE HOLE CONSTRUCTION:  
Special Construction approval Yes ☐ No ☒ Depth of Completed Well 400 ft.  
Explosives used: ☐ Yes ☒ No Type Amount

HOLE SEAL Amount  
Diameter From To Material From To sacks or pounds  
12 0 74 Cement 0 74 40  
8 74 400

How was seal placed Method ☐ A ☐ B ☒ C ☐ D ☐ E  
☐ Other  
Backfill placed from ft. to ft. Material  
Gravel placed from ft. to ft. Size of gravel

(6) CASING/LINER:  
Diameter From To Gauge Steel Plastic Welded Threaded  
Casing 8 42 74 250 ☒ ☐ ☒ ☐  
Liner 6 41 400 188 ☒ ☐ ☒ ☐

(7) PERFORATIONS/SCREENS:  
☒ Perforations Method Factor 1.2  
☐ Screens Type Material  
Slot Number Diameter Size Casing Liner  
From To Size  
200 260 1/4 3 684 6 1/2 ☒ ☒  
320 388 1/2 3 684 7 6 ☒ ☒

(8) WELL TESTS: Minimum testing time is 1 hour  
☒ Pump ☐ Bailer ☐ Air ☐ Flowing  
Yield gal/min Drawdown Drill stem at Time  
900 Unknown 400 1 hr.

Temperature of water 54° Depth Artesian Flow Found  
Was a water analysis done? ☐ Yes By whom  
Did any strata contain water not suitable for intended use? ☐ Too little  
☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other  
Depth of strata

(9) LOCATION OF WELL by legal description:  
County Crook Latitude Longitude  
Township 13S N or S Range 15E E or W, WM  
Section 34  
Tax Lot 104 Lot Block Subdivision  
Street Address of Well (or nearest address)

(10) STATIC WATER LEVEL:  
81 ft. below land surface Date 5-31-92  
Artesian pressure lb. per square inch. Date

(11) WATER BEARING ZONES:  
Depth at which water was first found  
From To Estimated Flow Rate SW  
216 220 50  
268 380 350

(12) WELL LOG:  
Ground elevation  
Material From To SW  
Sandy Top Soil 0 1  
Brown Sandstone with Gravel 1 52  
Brown Rock 52 170  
Gray Rock 170 349  
Black Rock 349 358  
Light Gray Rock 358 400

Date started: 5-12-92 Completed: 5-31-92

(unbonded) Water Well Constructor Certification:  
I certify that the work performed on the construction, alteration, abandonment of this well is in compliance with Oregon well construct standards. Materials used and information reported above are true to my knowledge and belief.  
Signed Date  
WWG Number

(bonded) Water Well Constructor Certification:  
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above work performed during this time is in compliance with Oregon construction standards. This report is true to the best of my knowledge and belief.  
Signed Dan H. Maffett Date  
WWC Number 584



WATERS...  
SALEM, OREGON

QTY.	MATERIAL	PRICE	AMOUNT
1	F/W-25HP (250 GPM SERIES)		
	Pump		4011 20
420'	# 8-4 SUBCABLE	125 H	571 20
357'	4" GALVANIZED PIPE	680 H	2456 16
2	4" TACKNOCHECKS	136 <sup>00</sup> FA	272 00
1	8" x 4" WELL SEAL		56 38
1	HOSE BIB		5 00
1	1" X 10" DIPPLE		2 82
1	4" TEE		52 80
1	4" BUSHING		16 26
2	4' ELS	29 <sup>50</sup> FA	58 40
2	4" - 45°	37 <sup>89</sup> EA	75 78
760'	4" PVC	180 H	1368 00
380'	AIRLINE	224 H	83 60
	GLUE/PRIMER etc		30 00
	CONCRETE CUTTING		150 00
	PUMP SETTING		400 00

WORK ORDER 1886

JOB FROM	DATE OF ORDER
	JUNE 30, 1992
JOB NAME / LOCATION	

## MAPHET WELL DRILLING

500 Davis Road  
PRINEVILLE, OREGON 97754

Phone 447-4830 or 382-7407

TO: OCHOCHO WEST WATER DISTRICT

9513 JORDON AVE

TRINEVILLE, OREGON 97754

## TEAMS

[illegible]



RECEIVED

DEC 26 1995

WAL  
SALEM, OREGON

5 Copies

Enter Public Water System ID # in boxes below:

4	1				
---	---	--	--	--	--

Name of Water System:

Ochoco West

Address \_\_\_\_\_

City \_\_\_\_\_ County \_\_\_\_\_

Phone \_\_\_\_\_

Collection date and time: 5, 25, 95 10 00 p.m.

Type of sample: ☐ Routine ☐ Repeat ☒ Special

\* If repeat, date of initial positive

Collected by: Warren C. Westgarth

Sample point: Well

Chlorinated? ☐ Yes ☒ No Free Chlorine mg/l

Return address for report: Marty Stegman  
 Name Ochoco West Water District  
 Address 9513 Jordan Ave.  
 City, state, zip Prineville, OR 97754



**MICROBIOLOGICAL ANALYSIS**  
 PUBLIC WATER SUPPLIES  
 DRINKING WATER PROGRAM

**LABORATORY RESULTS**

Total coliforms: ☐ Present\* ☒ Absent

Fecal coliforms/E. coli: ☐ Present\* ☒ Absent

\*See back of pink copy for interpretation

**Test Methods:**

☐ MTF ☐ MF ☐ P-A ☒ MMO-MUG

☐ EC ☐ EC+MUG ☐ Nutrient Agar + MUG

Sample invalid: resample immediately

☐ Leaked ☐ Over 30 hr old

☐ Heavy non-coliform growth (as defined by method)

**Copy Distribution:**

White Lab  
 Yellow Health Division  
 Pink Water System

Lab Cert # \_\_\_\_\_

Sample # \_\_\_\_\_

Bottle # \_\_\_\_\_

Date & time received 5/25 1645

Received by: \_\_\_\_\_

Date & time analyzed: \_\_\_\_\_

Comments: \_\_\_\_\_

Analyst: \_\_\_\_\_

Date: \_\_\_\_\_

Review by: \_\_\_\_\_

Date: \_\_\_\_\_

Send results to: Oregon Health Division, P.O. Box 14350, Portland OR 97214-0350 Phone (503) 731-4381



Application No.

6-12648

SEP -4 1991

State of Oregon

WATER RESOURCES DEPARTMENT

## Application for a Permit to Appropriate Ground Water

Applicant(s) OCHOCO WEST WATER DISTRICT  
(Please print or type - use dark ink)

Mailing Address: 9513 Jordan Rd.

Prineville  
City

Oregon  
State

97754  
Zip

(503)447-4177 Ext. 71

(503)447-5612  
Daytime Phone No.

I (We) make application for a permit to appropriate the following described ground waters of the State of Oregon:

1. THE DEVELOPMENT (number of wells, tile lines, infiltration galleries, etc.):

One well.

RECEIVED

DEC 26 1995

If development is less than one mile from a natural stream, give the following:

Distance from development to stream: 1200 feet

Elevation difference between streambed and development: 40 feet

WA-  
SALEM, OREGON

NOTE: Wells must be constructed according to standards set by the department for the construction and maintenance of water wells. If the well is already constructed, please enclose a copy of the well driller's log with this application, and skip to Section 2 below.

Diameter of well: 8" Depth in feet: 400 feet

Type and size of well casing: 8" welded steel, .25Ga No. of feet: 300ft

Estimated depth to water: 300 ft

Type of access port or measuring device: airline through sanitary seal

Wells to be drilled by: Archie Fox Well Drilling DARREL MAPHET

Address: P.O. Box 246, Prineville, Or. 97754

500 Davis Rd, - PRINEVILLE  
OR. 97759

If the water well is flowing artesian, describe your water control and conservation works:

2. TOTAL AMOUNT OF WATER to be applied to beneficial use: \_\_\_\_\_ cubic feet per second, OR 260 gallons per minute. If water is to be used from more than one ground water source, give the quantity of water from each: \_\_\_\_\_

See State of Oregon Well Report



3. **INTENDED USE(s) OF WATER:** \_\_\_\_\_

If for more than one use, give the quantity of water from each source for each use; \_\_\_\_\_

If for **DOMESTIC** use, state the number of households to be supplied; \_\_\_\_\_

If for **MUNICIPAL OR QUASI-MUNICIPAL** use, state the present population to be served, and an estimate of the future requirements; (List population projections, water needs, anticipated areas to be provided water.)

36 fulltime residences, 22 seasonal residences, 194 future residences.

\_\_\_\_\_ Water use = 1 gpm per residence includes up to 1/2 acre lawn/garden, fire protection, etc.

If for **MINING** use, state the nature (gold, silver, etc.) of the mines to be served; \_\_\_\_\_

If for **IRRIGATION**, or other land area use, state the **TOTAL** number of acres to be developed under each use;

Irrigation \_\_\_\_\_

Other (describe) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

4. **DESCRIPTION OF WATER DELIVERY SYSTEM:** Include dimensions and type of construction of diversion works, length and dimensions of supply ditches or pipelines, size and type of pump and motor. If for irrigation, describe the type of system (i.e., flood, wheel line, hand line, drip, other).

The water distribution system consists of: 2 20 H.P. submersible pumps, one 60,000 gallon storage tank, one 12,000 gallon concrete cistern, 3300 l.f. of 8" waterline, 6500 l.f. of 6" waterline, 3100 l.f. of 4" waterline, and 4100 l.f. of 2" waterline.

New - steel 60,000 gallon storage tank constructed in 1994  
12/94

5. **PROJECT SCHEDULE:** (List month and year)

Proposed date construction work will begin 7/91

Proposed date construction work will be completed 7/92

Proposed date water use will be completed 7/94

NOTE: A map prepared by a Certified Water Right Examiner (CWRE) and a complete legal description of the subject property are required under ORS 537.140 and OAR 690 as a part of your application. The legal description may be copied from your deed, title insurance policy, or land sales contract.



6. a) In the event any deficiencies are noted involving the application map enclosed herein, please return the map with instructions for correction to (check one):

       Applicant        X   CWRE             Other (Identify in REMARKS section)

b) In the event any deficiencies are noted involving the application, please return the application with instructions for correction to (check one):

       Applicant        X   CWRE             Other (Identify in REMARKS section)

7. Are all lands involved (including the proposed diversion site, place of use, and access for conveying the water) under your ownership?   YES  . If not, list in the REMARKS section below, or on an attached sheet, the names and mailing addresses of the legal owners of all property involved in the proposed development.

NOTE: Prior to receiving a certificate of water right, the permit holder must submit to the Water Resources Department the results of a pump test meeting the department's standards. The Director will require water level or pump test results every ten years thereafter.

REMARKS:        This application is for a well to supplement springs  
       (Permit No.'s 42778 and 42780) that are currently not  
       producing enough water to meet the Ochoco West Water System  
       requirements.  
        
        
        
        
        
        
        
      

RECEIVED

DEC 26 1995

WATER RESOURCES DEPT.  
SALEM, OREGON

NOTE: The permit, when issued, is for the beneficial use of water without waste. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible the land use you propose may not be allowed if it is not in keeping with the goals and acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

Melinda Bean  
Signature of Applicant

Aug. 13, 1991  
Date

Maria Tidwell  
Signature of Co-Applicant, if any

Aug. 13, 1991  
Date



-----  
FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

I certify that I have examined the foregoing application, together with the accompanying information, and am returning it to you for:

\_\_\_\_\_

\_\_\_\_\_

In order to retain its tentative priority, this application must be returned with the requested corrections or additions on or before:

\_\_\_\_\_, 19\_\_\_\_.

WITNESS my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
*Water Resources Director*

By: \_\_\_\_\_

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 4th day of September, 1991, at 8:00 o'clock, A. M.

APPLICATION NO: 6-12648



STATE OF OREGON  
WATER WELL REPORT  
(as required by ORS 537.765)

CROO  
482

(START CARD) # 40742

135/15E/3

(1) OWNER: WATER  
Name OCHOCO WEST DISTRICT  
Address 9513 JORDON AVE.  
City PRINEVILLE State ORE Zip 97754

(2) TYPE OF WORK:  
☒ New Well ☐ Deepen ☐ Recondition ☐ Abandon

(3) DRILL METHOD  
☒ Rotary Air ☐ Rotary Mud ☐ Cable  
☐ Other

(4) PROPOSED USE:  
☐ Domestic ☒ Community ☐ Industrial ☐ Irrigation  
☐ Thermal ☐ Injection ☐ Other

(5) BORE HOLE CONSTRUCTION:  
Special Construction approval Yes ☐ No ☒ Depth of Completed Well 400 ft.  
Explosives used Yes ☐ No ☒ Type \_\_\_\_\_ Amount \_\_\_\_\_

HOLE			SEAL			Amount sacks or pounds
Diameter	From	To	Material	From	To	
12	0	74	Cement	0	74	40
8	74	400				

How was seal placed: Method ☐ A ☐ B ☒ C ☐ D ☐ E  
☐ Other

Backfill placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Material \_\_\_\_\_  
Gravel placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Size of gravel \_\_\_\_\_

	Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing:	8	+2	74	250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Liner:	6	+1	400	188	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Final location of sheets: \_\_\_\_\_

(7) PERFORATIONS/SCREENS:  
☒ Perforations Method Factory  
☐ Screens Type \_\_\_\_\_ Material \_\_\_\_\_

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
200	260	1/16" x 3/32"	684	6		<input type="checkbox"/>	<input checked="" type="checkbox"/>
320	380	"	684	6		<input type="checkbox"/>	<input checked="" type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour  
☒ Pump ☐ Bailor ☐ Air ☐ Flowing  
Yield gal/min 400 Drawdown Unknown Drill stem at 400 Time 1 hr.

Temperature of water 54° Depth Artesian Flow Found \_\_\_\_\_  
Was a water analysis done? ☐ Yes By whom \_\_\_\_\_  
Did any strata contain water not suitable for intended use? ☐ Too little  
☐ Salty ☐ Muddy ☐ Odor ☐ Colored ☐ Other \_\_\_\_\_  
Depth of strata: \_\_\_\_\_

(9) LOCATION OF WELL by legal description:  
County Crook Latitude \_\_\_\_\_ Longitude \_\_\_\_\_  
Township 135 N or S, Range 15E E or W, WA  
Section 34 1/4 1/4  
Tax Lot 104 Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_  
Street Address of Well (or nearest address) \_\_\_\_\_

(10) STATIC WATER LEVEL:  
81 ft. below land surface. Date 5-31-  
Artesian pressure \_\_\_\_\_ lb. per square inch. Date \_\_\_\_\_

(11) WATER BEARING ZONES:

Depth at which water was first found \_\_\_\_\_

From	To	Estimated Flow Rate	S
210	220	50	8
368	380	350	8

(12) WELL LOG: Ground elevation \_\_\_\_\_

Material	From	To	S
Sandy Top Soil	0	1	
Brown Sandstone with Gravel	1	52	
Brown Rock	52	170	
Gray Rock	170	349	
Black Rock	349	358	
light Gray Rock	358	400	

RECEIVED

OCT 20 1992

WATER RESOURCES DEPT.  
SALEM, OREGON

Date started 5-12-92 Completed 5-31-92

(unbonded) Water Well Constructor Certification:  
I certify that the work I performed on the construction, alteration, abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to my knowledge and belief.  
Signed \_\_\_\_\_ WWC Number \_\_\_\_\_  
Date \_\_\_\_\_

(bonded) Water Well Constructor Certification:  
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. Work performed during this time is in compliance with Oregon construction standards. This report is true to the best of my knowledge and belief.  
Signed Dan M. Maffei WWC Number 58  
Date \_\_\_\_\_



NOV - 9 1994

WATER RESOURCES DEPT.  
SALEM, OREGON

By FAX 378-8130 and Regular Mail

November 7, 1994

Oregon Water Resources Department  
Water Rights Section  
158 12th Street NE  
Salem, OR 97310

Re: Objection to Technical Report for:  
G 12648, Ochoco West Water Dist., Group Domestic, Lytle Creek  
G 13236, Jensen, Irrigation, Ochoco Creek  
Crooked River Basin

---

WaterWatch submits the following objections pursuant to OAR 690-11-170:

♦ **The Technical Reports are Defective.**

The technical reports fail to contain many of the elements and evaluations required in OAR 690-11-160(1). The areas of deficiency are the same as those identified in WaterWatch's objection to G-11923 and are hereby incorporated by reference.

♦ **The Uses Proposed are Not in the Public Interest.**

The proposed uses fail to pass the public interest considerations in ORS 537.620 and the policies of the Groundwater Act ORS 537.525(3), (6), (9) and (10). See also, OAR 690-11-195(3)(d), (4)(a), 4(c)(A), 4(d)(A), (4)(f). The proposed uses would deplete flows needed to meet existing water rights for surface waters and for numerous public instream uses of the Deschutes River. The 1984 Deschutes Basin Plan states:

**General Findings:**

Flows are not sufficient on many streams during the summer months of average water years to supply existing and future demands. Finding 2.

Simultaneous use of a major portion of existing consumptive righters results in flows at or near the zero level on some streams during the summer months. Finding 3.

River related recreation is important to the economy of the upper Deschutes Basin. Finding 25.

The support of resident and stocked fish is essential to river-related recreation. Finding 26.



Recommended base flows suggested by fisheries agencies are substantially higher in many location than flow levels that can be obtained during average water years under current stream regimen and existing water rights and priorities. Finding 27.

Establishment of restrictions on further appropriations would prevent an increase in depletion potential on some streams which would aid in maintaining minimum flows. Finding 33.

Where streams are seasonally overappropriated, the establishment of restrictive actions would have no immediate physical effect until additional flows become available. Finding 34.

Middle Deschutes findings include General Findings 3 & 27 and:

There is inadequate streamflow for fishery requirements. Finding 20.

Lower Deschutes findings include General Findings #3 and:

Many streams do not provide enough flow for nonconsumptive public uses at present in periods of relatively low as well as critical flow. Finding 3.

Lower Crooked River findings include General Finding #3 and:

Most streams in the basin do not provide enough flow for nonconsumptive public uses at present in periods of relatively low as well as critical flow. Finding 5.

The existence of ground water has been established in certain sections of the basin, but quantities have not been determined. Finding 6.

Little potential for enhancement of fish life exists and is dependent upon securing adequate streamflow. Finding 15.

The Deschutes and Crooked River systems support a variety of fish life including rainbow, cutthroat and redband trout. These systems support a major sports fishery. Low flows during summer months impair fish survival by, among other things, raising water temperatures, decreasing aquatic habitat and trout rearing areas, and promoting excessive growth of algae. *See Mathisen, Upper Deschutes River Water Resource Review, pgs. 10-11.* Low flows in the winter adversely affect fish habitat by, among other things, exposing spawning gravel, reducing feeding and rearing areas in the river and increasing fish deaths due to severe ice conditions on the river. *Id.*



Several segments of the Deschutes River have received state scenic waterway designation. Several segments of the Deschutes and Crooked River have been federally designated under the Federal Wild and Scenic Rivers act. Existing instream water right certificates and pending instream water right applications protect flows needed for fish and recreation in the Deschutes and Crooked River systems. Specifically, instream water right application #070354 is needed to protect flows in the Crooked River for redband trout populations. This application was filed in May of 1990. Application #070611 requests flows to provide habitat for redband trout populations in Ochoco Creek. This application was filed August 29, 1990. Application #070358, filed in May of 1990 is needed to protect flows for redband trout and smallmouth bass populations. As a tributary to the Columbia River, the Deschutes and Crooked River Systems contribute flows for listed threatened and endangered fish populations in the Columbia River.

In addition to water quantity problems, the Department of Environmental Quality's (DEQ) 1992 *Water Quality Status Assessment Report, 305(b) Report* has identified segments of the Crooked River as Water Quality Limited, incapable of supporting designated beneficial uses of water contact and aquatic life. DEQ has also identified water withdrawals as a cause of stream quality problems in the lower Crooked River and Ochoco Creek. The Deschutes River mainstem suffers from water quality problems. One segment of the river is listed in the Department of Environmental Quality's 1992 *Water Quality Status Assessment Report, 305(b) Report* as Water Quality Limited. This segment of the river is unable to support the designated beneficial use of aquatic life. Several other areas can only partially support aquatic life. Further depletion of surface water flow will only exacerbate these existing water quality problems.

The Department has determined that a hydraulic connection exists between surface and groundwater in the Deschutes River system. See Agenda Item J-3, July 17, 1992, page 2. A 1930 Department of Interior Report by Harold Stearns states that the Deschutes River is primarily fed by springs. Stearns, pg. 25. The report describes a resource that is highly permeable in parts and drains into the Deschutes canyon, providing over 1,000,000 acre feet per year of water and over 1,500 cfs in the middle Deschutes Basin. Stearns, pg. 191, 208. There are numerous springs in the area that contribute cool flows to the Crooked River system.

A 1955 Water Resources Committee report to the Oregon Legislature confirms Stearns' findings and states that the groundwater supply makes the Deschutes' flow one of the most consistent in the nation. Water Resources Committee Report pg. 18. Furthermore, an even more recent Water Resources Investigation Report by the USGS confirms the finding of important discharge into the surface waters in the area. Report 84-4095, pg 13-15. Thus, groundwater in this area is vital to surface water flows, is directly connected to the surface waters,



and further permits to use groundwater are likely to deplete already overallocated surface waters in the basin.

1. Measurement and reporting.

WaterWatch supports most of the elements of the proposed measurement and reporting conditions for this application. However, we do not support the limitation which only requires recording the reporting of the "volume" of water use. This phrase only requires measurement and reporting of the total duty - not both rate and duty. As a policy matter, WaterWatch believes that the Department's measurement and reporting conditions should enable the Department to obtain information relating to **both** rate and duty of water use.

One of the conditions proposed is the **rate** at which water can be diverted. In order to determine whether there is exact compliance with the terms and conditions of any permit issued, the Department needs to know the rate at which water is being used. While it may be possible to extrapolate an **estimated** rate at which the water is being used from the total duty - it is not as accurate a measure of use as requiring record keeping of the actual rate of use. At the very least, the Department should preserve its ability to require measurement of **both** rate and duty. We request the term "amount" be substituted with the following language: "rate and duty".

Additional information about groundwater use and groundwater characteristics is especially crucial for management of the groundwater resource in the Deschutes Basin. As Director Pagel stated on page 2 of her September 14, 1992 letter to the Chairpersons of Crook, Deschutes and Jefferson County Commissions:

The groundwater information base will never be perfect. However, in many areas it must improve substantially before the Commission can both issue additional permits and meet its obligation to protect the groundwater resource....If the demands of growing communities are to be met in a timely manner, it is imperative that the state, local governments, citizens and the development community work together to generate more and better groundwater information.

Those who profit from using the resource should be called upon to provide the needed information. In this instance, in addition to measurement and reporting of use and place of use, these permittees should be required to at least measure and report well levels, groundwater flow velocities and aquifer depth. This information is critical for resource protection and management.



2. The uses are likely to impair the public interest because they will interfere with surface waters in the Basin.

The Department has determined that the groundwater resource is hydraulically connected to surface waters in the area. However, it has failed to determine the extent of the connection and the short and long term impacts of the connection on surface waters in the basin. Oregon's ground water statute and the implementing rules require the Department to look at both short and long term impacts of groundwater use and to insure that the use will not interfere with surface waters. ORS 537.620(3), OAR 690-9, OAR 690-11-195(4)(a). This determination is particularly critical given the existing overallocation of surface waters, the water quality problems and the public's interest in maintaining instream flows for public uses of the Deschutes, Crooked and Columbia rivers and Ochoco Creek.

The Department and Commission have recognized in the past the increasing pressure to develop groundwater in the basin and expressed concern over the ability of the resource to meet new demands. Until the required level of scientific certainty needed for decision making is determined and the information developed, these permits should not be issued.

The Department's Division 9 rules require the Department to determine whether the proposed wells produce water from a confined or unconfined aquifer. OAR 690-09-040(1). The rules also require the Department to determine the distance of the proposed wells to surface water sources and whether the aquifer is hydraulically connected to surface waters. OAR 690-09-040. The rules then allow certain assumptions to be made depending upon the outcome of these determinations and require further analysis of the applications if the proposed uses do not fit within these assumptions. Id. A review of the application files reveal no determination of the distance of the wells to surface waters, whether the aquifers to be tapped are confined or extent of hydraulic connection to surface waters.

The review of application G 12648 revealed that the proposed use was likely to interfere with surface waters of a tributary to Lytle Creek. The technical report proposed condition 9 which would limit use if it interferes with any prior surface rights. As we have stated before, this proposed condition only protects existing surface water rights, it does not protect resource values that are not protected by water rights. In addition, the condition does nothing to prevent interference unless it has already occurred and essentially places the burden on the resource which is unacceptable given the presence of weak fish stocks and the senior pending instream water right application.

While the technical report and the groundwater staff memo on G 13236 concluded that the proposed use would not interfere with streamflows in Ochoco Creek, the technical report contains proposed conditions allowing regulation of use if it interferes with surface water rights. Thus, it appears that there is potential for interference. As we have stated



above, these proposed conditions only protect existing surface water rights, and does nothing to prevent interference unless it has already occurred and does not protect resource values that are not protected by water rights. In addition, the condition places the burden on the resource which is unacceptable given the presence of weak fish stocks.

In addition, as stated in WaterWatch's October, 1992 Petition for Withdrawal or Temporary Emergency Rulemaking (previously filed with the Commission), in order to protect the public's interest in the Columbia River system (of which the Deschutes and Crooked River are tributaries), and the threatened and endangered fish species which rely on this resource, these and other permits for water from the Columbia River Basin should not be considered until sufficient instream flows are determined and guaranteed throughout the basin. Until these flows are determined and protected, the Department has no way to ensure that new uses proposed in the system will not harm the public interest. For the reasons outlined in the objection and in WaterWatch's October Petition (hereby incorporated as part of this objection) the proposed uses will impair and be detrimental to the public interest in the resource.

### **3. The Proposed Uses Violate Oregon's Statewide Policies.**

Oregon's Groundwater Management Policy requires that "(i)nterference between groundwater uses and competing groundwater and surface water uses...be prevented and/or controlled to protect the water resource and existing rights." OAR 690-410-010(1) (emphasis added). The Policy also requires the State to manage groundwater and surface water conjunctively in order to protect the public's interest in the water resource and existing rights. OAR 690-410-01(2)(a). In addition, Oregon's Statewide Water Allocation Policy requires that groundwater use occur within the capacity of the resource and requires the State to protect Oregon's waters from overallocation by new uses of groundwater. OAR 690-410-070(1).

In addition, Oregon statutes and rules require the state to "aggressively promote" water conservation and places a high priority on eliminating waste and improving the efficiency of water use. ORS 537.460(2)(a) and OAR 690-410-060(1). The proposed conditions do little to further these policies. These applicants should be required to show, prior to issuance of any permit, that their proposed use is efficient. The applicant should also be required to submit a water conservation/management plan and implement the plan as a condition of use.

Allowing these uses to go forward violates all these policies. The Department's failure to manage the ground and surface waters conjunctively in the Deschutes and Crooked River basins will only exacerbate existing overallocation problems, water quality problems, and will, particularly in the long run, further impair existing surface water rights. It is bad



public policy to continue issuing groundwater rights in the face of increasing doubts as to whether increased groundwater use is sustainable.

**4. A Public Interest Determination is Impossible Because Essential Information Appears to be Missing From the Applications.**

Proposed permit conditions in the technical reports require a pump test prior to receiving a certificate. This condition makes no sense. A pump test provides information relating to hydraulic connection and other aquifer properties. This information is critical for the public interest determination and should be obtained prior to a final public interest determination. If, after this information is obtained, and the use is found to be in the public interest, this condition should be added to require periodic pump tests. The condition should not, however, limit the Director's ability to require pump tests. We suggest language that would require pump tests annually or as deemed needed by the Director.

**5. These applications were processed out of order.**

These applications were filed in 1991 and 1993. There are several pending instream water right applications with tentative priority dates in 1990. The Commission has directed the Department to process applications in the order received. These applications have the potential to decrease flows needed to meet the pending instream water right application. Thus, these applications should not move forward until the instream water right application is processed.

**6. Approval of G 13236 is not in the public interest because there are existing water rights which are appurtenant to the relevant lands.**

The second page of the technical report for this application acknowledges that there are existing rights appurtenant to these lands. If the proposed new uses includes lands that are already served by existing rights then there must be a condition placed on any permit issued that requires the cancellation of the underlying rights prior to use of groundwater.

**7. Water Quality**

As mentioned above, several segments of the Crooked and Deschutes River are identified by the Oregon Department of Environmental Quality (DEQ) as having water quality problems caused in part by water withdrawals. Further depletion of surface water flow through groundwater appropriations will only exacerbate these existing water quality problems. The proposed permit conditions do nothing to protect the resource. In addition,



the proposed uses in G 12648, group domestic, may add yet another source of pollution to the system, creating the possibility of even further degradation of water quality.

When evaluating applications for new uses, the Department has a duty to ensure that the use will not harm either the quantity or the quality of surface waters. The governing statutory and regulatory schemes make this self evident. See e.g. ORS 537.170(5)(a)&(c). Other statutory mandates amplify this requirement. ORS 468B.015 specifies that pollution of the water of the state of Oregon:

constitutes a menace to public health and welfare, creates public nuisances, is harmful to wildlife, fish and aquatic life and impairs domestic, agriculture, industrial, recreational, and other legitimate beneficial uses of water, \*\*\*.

It is the public policy of the state:

To protect, maintain, and improve the quality of the waters of the state \*\*\* (and) [t]o provide for the prevention, abatement and control of new or existing water pollution. ORS 468B.015(2), (4).

ORS 468B.020 declares that:

Pollution of any of the waters of the state is declared to be not a reasonable or natural use of such waters and to be contrary of the public policy in the state of Oregon.

The statutes and rules under which the Water Resources Commission and Department operate mandate that the agency act in a fashion consistent with ORS 468B.015 et seq. See e.g. ORS 536.220(1)(b) (requiring coordinated integrated state water resources policy). See also ORS 536.220(2)(a) (requiring "proper and adequate consideration of the multiple aspects of the beneficial use and control" of Oregon's waters); ORS 537.332(4)(c) (pollution abatement is a beneficial use of water); OAR 690-11-010(3) (defining beneficial use as use that is "consistent with" the laws, rules, and the best interests of the people of the state); OAR 537.170(4)(a) & (c). Thus, the public interest determination made by the Commission and Department must include an evaluation of the effects of these proposed uses on the water quality of the creek and river. See also OAR 690-11-195(4)(c).

The technical reports do not reveal how and where the effluent generated from these new uses of water will be disposed of. Before any action can be taken on these applications this must be determined. If the effluent is discharged to surface waters, then the applicant



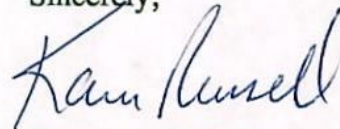
must show a valid discharge permit and the use must be conditioned upon compliance with permit conditions and relevant water quality standards and requirements.

In sum, the use proposed in this application may impair and be detrimental to the public's interest in maintaining sufficient streamflows to abate pollution in the Creek and the Crooked River. See ORS 537.170(5)(a), (b), (c) and (g) and OAR 690-11-195(3), (4)(a)(D), (c)(A) (d), & (f). These streamflows are needed to protect water quality for fish and wildlife, human use such as fishing and swimming, and for existing and future economic development in the Deschutes River basin.

**8. The proposed use in G 13236 is not in the public interest because it allows use outside of the irrigation season.**

The typical irrigation season in the Deschutes Basin is April through October - seven months. The proposed period of use is from February through December - 11 months. it is unclear why such a time period is proposed and we question whether beneficial use of the water can be made outside of the recognized growing season. Thus, the period of use should be limited to April through October.

Sincerely,

A handwritten signature in dark ink, appearing to read "Karen Russell", written in a cursive style.

Karen A. Russell  
Assistant Director



# WaterWatch

By FAX 378-8130 and Regular Mail

November 7, 1994

Oregon Water Resources Department  
Water Rights Section  
158 12th Street NE  
Salem, OR 97310

Re: Objection to Technical Report for:  
G 12648, Ochoco West Water Dist., Group Domestic, Lytle Creek  
G 13236, Jensen, Irrigation, Ochoco Creek  
Crooked River Basin

WaterWatch submits the following objections pursuant to OAR 690-11-170:

♦ **The Technical Reports are Defective.**

The technical reports fail to contain many of the elements and evaluations required in OAR 690-11-160(1). The areas of deficiency are the same as those identified in WaterWatch's objection to G-11923 and are hereby incorporated by reference.

♦ **The Uses Proposed are Not in the Public Interest.**

The proposed uses fail to pass the public interest considerations in ORS 537.620 and the policies of the Groundwater Act ORS 537.525(3), (6), (9) and (10). See also, OAR 690-11-195(3)(d), (4)(a), 4(c)(A), 4(d)(A), (4)(f). The proposed uses would deplete flows needed to meet existing water rights for surface waters and for numerous public instream uses of the Deschutes River. The 1984 Deschutes Basin Plan states:

**General Findings:**

Flows are not sufficient on many streams during the summer months of average water years to supply existing and future demands. Finding 2.

Simultaneous use of a major portion of existing consumptive rights results in flows at or near the zero level on some streams during the summer months. Finding 3.

River related recreation is important to the economy of the upper Deschutes Basin. Finding 25.

The support of resident and stocked fish is essential to river-related recreation. Finding 26.



Water Resources Department  
G 13236, G 12648  
Page 2

Recommended base flows suggested by fisheries agencies are substantially higher in many location than flow levels that can be obtained during average water years under current stream regimen and existing water rights and priorities. Finding 27.

Establishment of restrictions on further appropriations would prevent an increase in depletion potential on some streams which would aid in maintaining minimum flows. Finding 33.

Where streams are seasonally overappropriated, the establishment of restrictive actions would have no immediate physical effect until additional flows become available. Finding 34.

Middle Deschutes findings include General Findings 3 & 27 and:

There is inadequate streamflow for fishery requirements. Finding 20.

Lower Deschutes findings include General Findings #3 and:

Many streams do not provide enough flow for nonconsumptive public uses at present in periods of relatively low as well as critical flow. Finding 3.

Lower Crooked River findings include General Finding #3 and:

Most streams in the basin do not provide enough flow for nonconsumptive public uses at present in periods of relatively low as well as critical flow. Finding 5.

The existence of ground water has been established in certain sections of the basin, but quantities have not been determined. Finding 6.

Little potential for enhancement of fish life exists and is dependent upon securing adequate streamflow. Finding 15.

The Deschutes and Crooked River systems support a variety of fish life including rainbow, cutthroat and redband trout. These systems support a major sports fishery. Low flows during summer months impair fish survival by, among other things, raising water temperatures, decreasing aquatic habitat and trout rearing areas, and promoting excessive growth of algae. *See Mathisen, Upper Deschutes River Water Resource Review, pgs. 10-11.* Low flows in the winter adversely affect fish habitat by, among other things, exposing spawning gravel, reducing feeding and rearing areas in the river and increasing fish deaths due to severe ice conditions on the river. *Id.*



**Water Resources Department**

G 13236, G 12648

Page 3

Several segments of the Deschutes River have received state scenic waterway designation. Several segments of the Deschutes and Crooked River have been federally designated under the Federal Wild and Scenic Rivers act. Existing instream water right certificates and pending instream water right applications protect flows needed for fish and recreation in the Deschutes and Crooked River systems. Specifically, instream water right application #070354 is needed to protect flows in the Crooked River for redband trout populations. This application was filed in May of 1990. Application #070611 requests flows to provide habitat for redband trout populations in Ochoco Creek. This application was filed August 29, 1990. Application #070358, filed in May of 1990 is needed to protect flows for redband trout and smallmouth bass populations. As a tributary to the Columbia River, the Deschutes and Crooked River Systems contribute flows for listed threatened and endangered fish populations in the Columbia River.

In addition to water quantity problems, the Department of Environmental Quality's (DEQ) 1992 *Water Quality Status Assessment Report, 305(b) Report* has identified segments of the Crooked River as Water Quality Limited, incapable of supporting designated beneficial uses of water contact and aquatic life. DEQ has also identified water withdrawals as a cause of stream quality problems in the lower Crooked River and Ochoco Creek. The Deschutes River mainstem suffers from water quality problems. One segment of the river is listed in the Department of Environmental Quality's 1992 *Water Quality Status Assessment Report, 305(b) Report* as Water Quality Limited. This segment of the river is unable to support the designated beneficial use of aquatic life. Several other areas can only partially support aquatic life. Further depletion of surface water flow will only exacerbate these existing water quality problems.

The Department has determined that a hydraulic connection exists between surface and groundwater in the Deschutes River system. See Agenda Item J-3, July 17, 1992, page 2. A 1930 Department of Interior Report by Harold Stearns states that the Deschutes River is primarily fed by springs. Stearns, pg. 25. The report describes a resource that is highly permeable in parts and drains into the Deschutes canyon, providing over 1,000,000 acre feet per year of water and over 1,500 cfs in the middle Deschutes Basin. Stearns, pg. 191, 208. There are numerous springs in the area that contribute cool flows to the Crooked River system.

A 1955 Water Resources Committee report to the Oregon Legislature confirms Stearns' findings and states that the groundwater supply makes the Deschutes' flow one of the most consistent in the nation. Water Resources Committee Report pg. 18. Furthermore, an even more recent Water Resources Investigation Report by the USGS confirms the finding of important discharge into the surface waters in the area. Report 84-4095, pg 13-15. Thus, groundwater in this area is vital to surface water flows, is directly connected to the surface waters,



Water Resources Department  
G 13236, G 12648  
Page 4

and further permits to use groundwater are likely to deplete already overallocated surface waters in the basin.

1. Measurement and reporting.

WaterWatch supports most of the elements of the proposed measurement and reporting conditions for this application. However, we do not support the limitation which only requires recording the reporting of the "volume" of water use. This phrase only requires measurement and reporting of the total duty - not both rate and duty. As a policy matter, WaterWatch believes that the Department's measurement and reporting conditions should enable the Department to obtain information relating to both rate and duty of water use.

One of the conditions proposed is the rate at which water can be diverted. In order to determine whether there is exact compliance with the terms and conditions of any permit issued, the Department needs to know the rate at which water is being used. While it maybe possible to extrapolate an estimated rate at which the water is being used from the total duty - it is not as accurate a measure of use as requiring record keeping of the actual rate of use. At the very least, the Department should preserve it's ability to require measurement of both rate and duty. We request the term "amount" be substituted with the following language: "rate and duty".

Additional information about groundwater use and groundwater characteristics is especially crucial for management of the groundwater resource in the Deschutes Basin. As Director Pagel stated on page 2 of her September 14, 1992 letter to the Chairpersons of Crook, Deschutes and Jefferson County Commissions:

The groundwater information base will never be perfect. However, in many areas it must improve substantially before the Commission can both issue additional permits and meet its obligation to protect the groundwater resource....If the demands of growing communities are to be met in a timely manner, it is imperative that the state, local governments, citizens and the development community work together to generate more and better groundwater information.

Those who profit from using the resource should be called upon to provide the needed information. In this instance, in addition to measurement and reporting of use and place of use, these permittees should be required to at least measure and report well levels, groundwater flow velocities and aquifer depth. This information is critical for resource protection and management.



Water Resources Department  
G 13236, G 12648  
Page 5

2. The uses are likely to impair the public interest because they will interfere with surface waters in the Basin.

The Department has determined that the groundwater resource is hydraulically connected to surface waters in the area. However, it has failed to determine the extent of the connection and the short and long term impacts of the connection on surface waters in the basin. Oregon's ground water statute and the implementing rules require the Department to look at both short and long term impacts of groundwater use and to insure that the use will not interfere with surface waters. ORS 537.620(3), OAR 690-9, OAR 690-11-195(4)(a). This determination is particularly critical given the existing overallocation of surface waters, the water quality problems and the public's interest in maintaining instream flows for public uses of the Deschutes, Crooked and Columbia rivers and Ochoco Creek.

The Department and Commission have recognized in the past the increasing pressure to develop groundwater in the basin and expressed concern over the ability of the resource to meet new demands. Until the required level of scientific certainty needed for decision making is determined and the information developed, these permits should not be issued.

The Department's Division 9 rules require the Department to determine whether the proposed wells produce water from a confined or unconfined aquifer. OAR 690-09-040(1). The rules also require the Department to determine the distance of the proposed wells to surface water sources and whether the aquifer is hydraulically connected to surface waters. OAR 690-09-040. The rules then allow certain assumptions to be made depending upon the outcome of these determinations and require further analysis of the applications if the proposed uses do not fit within these assumptions. *Id.* A review of the application files reveal no determination of the distance of the wells to surface waters, whether the aquifers to be tapped are confined or extent of hydraulic connection to surface waters.

The review of application G 12648 revealed that the proposed use was likely to interfere with surface waters of a tributary to Lytle Creek. The technical report proposed condition 9 which would limit use if it interferes with any prior surface rights. As we have stated before, this proposed condition only protects existing surface water rights, it does not protect resource values that are not protected by water rights. In addition, the condition does nothing to prevent interference unless it has already occurred and essentially places the burden on the resource which is unacceptable given the presence of weak fish stocks and the senior pending instream water right application.

While the technical report and the groundwater staff memo on G 13236 concluded that the proposed use would not interfere with streamflows in Ochoco Creek, the technical report contains proposed conditions allowing regulation of use if it interferes with surface water rights. Thus, it appears that there is potential for interference. As we have stated



Water Resources Department  
G 13236, G 12648  
Page 6

above, these proposed conditions only protect existing surface water rights, and does nothing to prevent interference unless it has already occurred and does not protect resource values that are not protected by water rights. In addition, the condition places the burden on the resource which is unacceptable given the presence of weak fish stocks.

In addition, as stated in WaterWatch's October, 1992 Petition for Withdrawal or Temporary Emergency Rulemaking (previously filed with the Commission), in order to protect the public's interest in the Columbia River system (of which the Deschutes and Crooked River are tributaries), and the threatened and endangered fish species which rely on this resource, these and other permits for water from the Columbia River Basin should not be considered until sufficient instream flows are determined and guaranteed throughout the basin. Until these flows are determined and protected, the Department has no way to ensure that new uses proposed in the system will not harm the public interest. For the reasons outlined in the objection and in WaterWatch's October Petition (hereby incorporated as part of this objection) the proposed uses will impair and be detrimental to the public interest in the resource.

### 3. The Proposed Uses Violate Oregon's Statewide Policies.

Oregon's Groundwater Management Policy requires that "(i)nterference between groundwater uses and competing groundwater and surface water uses...be prevented and/or controlled to protect the water resource and existing rights." OAR 690-410-010(1) (emphasis added). The Policy also requires the State to manage groundwater and surface water conjunctively in order to protect the public's interest in the water resource and existing rights. OAR 690-410-01(2)(a). In addition, Oregon's Statewide Water Allocation Policy requires that groundwater use occur within the capacity of the resource and requires the State to protect Oregon's waters from overallocation by new uses of groundwater. OAR 690-410-070(1).

In addition, Oregon statutes and rules require the state to "aggressively promote" water conservation and places a high priority on eliminating waste and improving the efficiency of water use. ORS 537.460(2)(a) and OAR 690-410-060(1). The proposed conditions do little to further these policies. These applicants should be required to show, prior to issuance of any permit, that their proposed use is efficient. The applicant should also be required to submit a water conservation/management plan and implement the plan as a condition of use.

Allowing these uses to go forward violates all these policies. The Department's failure to manage the ground and surface waters conjunctively in the Deschutes and Crooked River basins will only exacerbate existing overallocation problems, water quality problems, and will, particularly in the long run, further impair existing surface water rights. It is bad



Water Resources Department  
G 13236, G 12648  
Page 7

public policy to continue issuing groundwater rights in the face of increasing doubts as to whether increased groundwater use is sustainable.

**4. A Public Interest Determination is Impossible Because Essential Information Appears to be Missing From the Applications.**

Proposed permit conditions in the technical reports require a pump test prior to receiving a certificate. This condition makes no sense. A pump test provides information relating to hydraulic connection and other aquifer properties. This information is critical for the public interest determination and should be obtained prior to a final public interest determination. If, after this information is obtained, and the use is found to be in the public interest, this condition should be added to require periodic pump tests. The condition should not, however, limit the Director's ability to require pump tests. We suggest language that would require pump tests annually or as deemed needed by the Director.

**5. These applications were processed out of order.**

These applications were filed in 1991 and 1993. There are several pending instream water right applications with tentative priority dates in 1990. The Commission has directed the Department to process applications in the order received. These applications have the potential to decrease flows needed to meet the pending instream water right application. Thus, these applications should not move forward until the instream water right application is processed.

**6. Approval of G 13236 is not in the public interest because there are existing water rights which are appurtenant to the relevant lands.**

The second page of the technical report for this application acknowledges that there are existing rights appurtenant to these lands. If the proposed new uses includes lands that are already served by existing rights then there must be a condition placed on any permit issued that requires the cancellation of the underlying rights prior to use of groundwater.

**7. Water Quality**

As mentioned above, several segments of the Crooked and Deschutes River are identified by the Oregon Department of Environmental Quality (DEQ) as having water quality problems caused in part by water withdrawals. Further depletion of surface water flow through groundwater appropriations will only exacerbate these existing water quality problems. The proposed permit conditions do nothing to protect the resource. In addition,



Water Resources Department  
G 13236, G 12648  
Page 8

the proposed uses in G 12648, group domestic, may add yet another source of pollution to the system, creating the possibility of even further degradation of water quality.

When evaluating applications for new uses, the Department has a duty to ensure that the use will not harm either the quantity or the quality of surface waters. The governing statutory and regulatory schemes make this self evident. See e.g. ORS 537.170(5)(a)&(c). Other statutory mandates amplify this requirement. ORS 468B.015 specifies that pollution of the water of the state of Oregon:

constitutes a menace to public health and welfare, creates public nuisances, is harmful to wildlife, fish and aquatic life and impairs domestic, agriculture, industrial, recreational, and other legitimate beneficial uses of water, \*\*\*.

It is the public policy of the state:

To protect, maintain, and improve the quality of the waters of the state \*\*\* (and) [t]o provide for the prevention, abatement and control of new or existing water pollution. ORS 468B.015(2), (4).

ORS 468B.020 declares that:

Pollution of any of the waters of the state is declared to be not a reasonable or natural use of such waters and to be contrary of the public policy in the state of Oregon.

The statutes and rules under which the Water Resources Commission and Department operate mandate that the agency act in a fashion consistent with ORS 468B.015 et seq. See e.g. ORS 536.220(1)(b) (requiring coordinated integrated state water resources policy). See also ORS 536.220(2)(a) (requiring "proper and adequate consideration of the multiple aspects of the beneficial use and control" of Oregon's waters); ORS 537.332(4)(c) (pollution abatement is a beneficial use of water); OAR 690-11-010(3) (defining beneficial use as use that is "consistent with" the laws, rules, and the best interests of the people of the state); OAR 537.170(4)(a) & (c). Thus, the public interest determination made by the Commission and Department must include an evaluation of the effects of these proposed uses on the water quality of the creek and river. See also OAR 690-11-195(4)(c).

The technical reports do not reveal how and where the effluent generated from these new uses of water will be disposed of. Before any action can be taken on these applications this must be determined. If the effluent is discharged to surface waters, then the applicant



Water Resources Department  
G 13236, G 12648  
Page 9

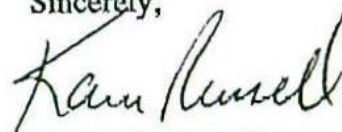
must show a valid discharge permit and the use must be conditioned upon compliance with permit conditions and relevant water quality standards and requirements.

In sum, the use proposed in this application may impair and be detrimental to the public's interest in maintaining sufficient streamflows to abate pollution in the Creek and the Crooked River. See ORS 537.170(5)(a), (b), (c) and (g) and OAR 690-11-195(3), (4)(a)(D), (c)(A) (d), & (f). These streamflows are needed to protect water quality for fish and wildlife, human use such as fishing and swimming, and for existing and future economic development in the Deschutes River basin.

8. The proposed use in G 13236 is not in the public interest because it allows use outside of the irrigation season.

The typical irrigation season in the Deschutes Basin is April through October - seven months. The proposed period of use is from February through December - 11 months. it is unclear why such a time period is proposed and we question whether beneficial use of the water can be made outside of the recognized growing season. Thus, the period of use should be limited to April through October.

Sincerely,



Karen A. Russell  
Assistant Director



Application No. 6-12648

RECEIVED

Land Use Information Form: Permits, Licenses, Water Uses In Addition to  
Classified Uses

SEP -4 1991

WATER RESOURCES DEPT.

SALEM, OREGON

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the request for water use. DO NOT FILL OUT THIS FORM IF water is to be diverted, conveyed, and/or used only on federal lands.

Applicant's Name: OCHOCO WEST WATER DISTRICT  
 Address: 9513 Jordan Rd.  
 City: Prineville State: Or. Zip: 97754  
 Phone: (503) 447-5612 WRD Application No.:  
 (503) 447-4177 X71

Please provide information as requested below for all tax lots on or through which water will be diverted or used. (Attach extra sheets as necessary.) Applicants for municipal use may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot or Local I.D.#	Plan Designation/Zoning (e.g. Rural Residential/RR-5)	Check All That Apply		
		Water Diverted	Water Conveyed	Water Used
See attached				

The following section must be completed by all local planning departments responsible for the property(ies) listed above. Please ask the Department for extra forms, as needed.

#### For Local Government Use Only

Local government planning officials are to complete the remainder of this form and return it to the applicant or the Water Resources Department (3850 Portland Rd. NE, Salem, OR, 97310) within 60 days of the date of receipt as shown below. If the form is not completed within 60 days, the Department may take action to approve the water use.

a) Check the appropriate box below and provide requested information.

☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 3.180 of Ord. #18. Go to section b) on reverse side.

☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus any accompanying findings is sufficient.)

Type of Land Use Approvals Needed (e.g.: plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Please check the box that applies:		
		Already Obtained	Already Denied	Being Pursued Satisfactorily

(over)

WRD Applicant Name: \_\_\_\_\_



2

b) Please provide printed name and written signature.

Date: Aug. 7, 1991  
Phone: 442-3211

Phone: 447-3211

*Local governments are invited to express special land use concerns or make recommendations to the Department regarding this proposed use of water below, or on a separate sheet.*

Continuations or Additional Comments:



## Description of Water Use

**Note to Applicant:** This sheet will provide local planning staff with a basic description of your proposed water use. Please fill out this sheet before bringing the attached land use form to your local planning office. It will help local planning offices complete your land use information form quickly.

**Note to Local Planning Officials:** Please initial this sheet. Do not separate it from the land use information form. If needed, please make a separate copy for your records.

Applicant Name: OCHOCO WEST WATER DISTRICTAddress: 9513 Jordan Rd.Prineville, Or. 97754Phone: (503)447-5612; (503)447-4177 X71

Please indicate what you will use the water for. Check all boxes that apply and fill in the blanks with key characteristics of the project

☐ Irrigation (crop type, golf course, nursery or greenhouse): \_\_\_\_\_

☐ Livestock (type of livestock, feedlot, slaughterhouse): \_\_\_\_\_

☒ Residential (# units, single or multi-family, # lots if partition or subdivision): 252 Lots

☐ Commercial (i.e., retail, office, restaurant, gas station, hotel, service, etc.): \_\_\_\_\_

☐ Industrial (i.e., factory, pulp mill, research and development, processing, etc.): \_\_\_\_\_

☐ Institutional (i.e., school, library, etc.): \_\_\_\_\_

☐ Mining (aggregate, metal, open pit, placer, etc.): \_\_\_\_\_

☐ Recreation (park, campsite, pond, etc.): \_\_\_\_\_

☐ Fish and Wildlife (pond, hatchery, etc.): \_\_\_\_\_

☐ Hydropower (dam, reservoir, power generating or transmitting facilities): \_\_\_\_\_

☐ Other (Name and list key characteristics): \_\_\_\_\_

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
<input type="checkbox"/> Surface Water Name sources: _____ _____ _____	_____ Cubic feet per second. <u>260</u> Gallons per minute. _____ Acre-Feet
<input type="checkbox"/> Reservoir or pond	
<input checked="" type="checkbox"/> Ground Water	



RECEIVED

SEP -4 1961

WATER RESOURCES DEPT.  
SALEM, OREGON

LEGAL DESCRIPTION OF PROPERTY  
FOR WATER RIGHTS PERMIT APPLICATION  
FOR OCHOCO WEST WATER SYSTEM, PRINEVILLE, OREGON

The following property is included under this application for a permit to appropriate groundwater:

All lots in each of blocks 1 through 27 of Golden Horseshoe (Unit One) Subdivision, T. 13 S., R. 15 E., of the Willamette Meridian, Crook County, Oregon.



A97

Application No. **G12648**

Permit No. ....

**OCHOCO WEST WATER DISTRICT**

**G12739**

Name .. **9513 JORDAN RD**

Address **PRINEVILLE, OR 97754**

Assigned .....

Address .....

Beginning construction ..... **AUG 28 1997**

Completion of construction ..... **OCT 01 1998**

Extended to .....

Complete application of water ..... **OCT 01 1999**

Extended to .....





**WATER RESOURCES DEPARTMENT  
OF OREGON**

**3850 PORTLAND RD. N.E.  
SALEM, OR 97310**

4/3/73

HERE'S THE  
MATERIAL YOU  
REQUESTED ---

TWO SUP

LV RE

P-42778 .5 600

P-42779 .3 SUPP

P-42780 .2 600

In response to your recent request, we are happy to forward the attached material. We hope it will serve your purpose.

If we may be of further service, please let us know.

---

(Name)



86032

NUMBER \_\_\_\_\_

Check 300<sup>00</sup> NO \_\_\_\_\_ Cash \_\_\_\_\_

-----

\_\_\_\_ Surface Application

\_\_\_\_ Reservoir Application

☒ Ground Water Application

\_\_\_\_ Transfer Application

\_\_\_\_ Power Claim

\_\_\_\_ Hydroelectric Examination

\_\_\_\_ Hydroelectric License

\_\_\_\_ Copying

\_\_\_\_ Assignment

\_\_\_\_ Extension of Time

\_\_\_\_ Other

\_\_\_\_ P-6

\_\_\_\_ Quadrangle

\_\_\_\_ Basin

\_\_\_\_ Protest

\_\_\_\_ Constructors Examination

\_\_\_\_ Constructors License

\_\_\_\_ Adjudication

200  
/ 100



Application No. 6-12648  
Permit No.

TOWNSHIP <u>13S</u> RANGE <u>15E</u> W. M.																SECTION <u>34</u>		
NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
14	9	16	1													Crooked River	572	
																4488	5426	
26	36	42	4													23521	18636	50122
8	36	42	4													Supplemental		50123
26	36	42	4													27901	21977	22144
28	11	8														32641	25991	57613
																Supplemental		
																32641	25991	57613
																49681	42778	
																50254	42779	
																50255	42780	
																4788	5426	55974
																6-12648		

TOWNSHIP <u>13S</u> RANGE <u>15E</u> W. M.																SECTION <u>27</u>		
NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
																12	Crooked River	572
																52		50122
																8	23521	18636
																		22120
																27901	21977	
																Supplemental		
																52	27901	21977
																		50123
																		22144
																49681	42778	
																50254	42779	
																50255	42780	
																Dom		
																6-12648		



Permits 42 778  
42 779  
42 780

See  
files

4 9681

50254

50255



**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **102723**

725 Summer St. N.E. Ste. A  
SALEM, OR 97301-4172  
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # \_\_\_\_\_

RECEIVED FROM: Clatsop County Treasurer/  
BY: Finance

APPLICATION	<u>Geobelow</u>
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 50921 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 450.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES \$ \_\_\_\_\_  
OTHER: (IDENTIFY) \$ \_\_\_\_\_

0243 I/S Lease \_\_\_\_\_ 0244 Muni Water Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water \_\_\_\_\_

**4270 WRD OPERATING ACCT**

MISCELLANEOUS 612648 = 75.00 549681 = 75.00  
0407 COPY & TAPE FEES R 83817 = 75.00 850255 = 75.00  
0410 RESEARCH FEES \_\_\_\_\_  
0408 MISC REVENUE: (IDENTIFY) Assignment \$ 300.00  
TC162 DEPOSIT LIAB. (IDENTIFY) \_\_\_\_\_  
0240 EXTENSION OF TIME PCA 46111 \$ \_\_\_\_\_

**WATER RIGHTS:**

EXAM FEE		RECORD FEE	
0201 SURFACE WATER	\$ _____	0202	\$ _____
0203 GROUND WATER	\$ _____	0204	\$ _____
0205 TRANSFER	\$ _____		

**WELL CONSTRUCTION**

EXAM FEE		LICENSE FEE	
0218 WELL DRILL CONSTRUCTOR <u>PCA 46111</u>	\$ _____	0219	\$ _____
LANDOWNER'S PERMIT		0220	\$ _____

0200 OTHER (IDENTIFY) CDBU (R-83817) \$ 150.00

**0536 TREASURY 0437 WELL CONST. START FEE**

0211 WELL CONST START FEE \$ \_\_\_\_\_ CARD # \_\_\_\_\_  
0210 MONITORING WELLS \$ \_\_\_\_\_ CARD # \_\_\_\_\_  
OTHER (IDENTIFY) \_\_\_\_\_

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

0233 POWER LICENSE FEE (FW/WRD) \$ \_\_\_\_\_  
0231 HYDRO LICENSE FEE (FW/WRD) \$ \_\_\_\_\_  
HYDRO APPLICATION \$ \_\_\_\_\_

**TREASURY OTHER / RDX**

FUND \_\_\_\_\_ TITLE \_\_\_\_\_  
OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_  
DESCRIPTION \$ \_\_\_\_\_

RECEIPT: **102723**

DATED: 4/22/11 BY: LAB





G-12648  
OCHOCO WEST WATER & SANITARY AUTHORITY  
5488 NW PRINE RD  
PRINEVILLE OR 97754



G-12648  
OCHOCO WEST WATER & SANITARY AUTHORITY  
5488 NW PRINE RD  
PRINEVILLE OR 97754



G-12648  
OCHOCO WEST WATER & SANITARY AUTHORITY  
5488 NW PRINE RD  
PRINEVILLE OR 97754



G-12648  
OCHOCO WEST WATER & SANITARY AUTHORITY  
5488 NW PRINE RD  
PRINEVILLE OR 97754